

Beyond my concerns with this piece of legislation itself is a further concern about the intentions of this Administration. I do not believe we can trust the Bush Administration to enforce the labor and environmental provisions of this or any other FTA. We are not in a position to enter into any new FTA's at this time, I believe we must ensure the security of American economic lives before we rush into any new agreements. Furthermore, only yesterday, Peru's Labor Ministry declared a national mining sector strike as illegal.

This strike, headed by Peru's National Federation of Mining, Metallurgy, and Steel Workers, began Monday and was aimed at 7 pressuring the government to pass legislation ensuring increase rights and benefits of miners. Peru's Labor Ministry responded by "ordering them back to work" and declaring their strike illegal. No concessions have been made by the government and miners face being fired should they not return to work by the end of the week. This is not a government we can trust to uphold labor rights.

The world is now immersed in a globalized economy. We cannot go back in time, nor do we want to. We must work with what we are given now. The U.S.-Peru Trade Promotion Agreement is an important first attempt, however, we must continue to work to ensure that labor rights are universally acknowledged and environmental standards systemically upheld on a larger scale than this legislation entails. I urge my colleagues to join me in opposing this legislation, and to call for still more to be done.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 801, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICHAUD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 285, nays 132, not voting 16, as follows:

## [Roll No. 1060]

## YEAS—285

Ackerman	Biggert	Brady (TX)
Akin	Bilbray	Brown (GA)
Alexander	Bilirakis	Brown (SC)
Bachmann	Bishop (GA)	Brown, Corrine
Bachus	Bishop (NY)	Brown-Waite,
Baird	Blackburn	Ginny
Baker	Blumenauer	Buchanan
Barrett (SC)	Blunt	Burton (IN)
Barrow	Boehner	Butterfield
Bartlett (MD)	Bonner	Calvert
Barton (TX)	Bono	Camp (MI)
Bean	Boozman	Campbell (CA)
Becerra	Boswell	Cannon
Berman	Boustany	Cantor
Berry	Boyd (FL)	Capito

Capps	Hobson	Pomeroy
Cardoza	Honda	Porter
Carter	Hooley	Price (GA)
Castle	Hoyer	Price (NC)
Castor	Hulshof	Pryce (OH)
Chabot	Inglis (SC)	Putnam
Clarke	Inslee	Radanovich
Clay	Israel	Ramstad
Cleaver	Issa	Rangel
Clyburn	Johnson (IL)	Regula
Coble	Johnson, E. B.	Rehberg
Cole (OK)	Johnson, Sam	Reichert
Conaway	Jones (OH)	Renzi
Cooper	Jordan	Reyes
Costa	Keller	Reynolds
Cramer	Kind	Rogers (AL)
Crenshaw	King (IA)	Rogers (KY)
Crowley	King (NY)	Rogers (MI)
Cuellar	Kingston	Rohrabacher
Culberson	Kirk	Ros-Lehtinen
Davis (AL)	Klein (FL)	Roskam
Davis (CA)	Kline (MN)	Ross
Davis (KY)	Knollenberg	Royce
Davis, David	Kuhl (NY)	Ruppersberger
Davis, Lincoln	Lamborn	Ryan (WI)
Davis, Tom	Lampson	Salazar
Deal (GA)	Larsen (WA)	Sali
DeGette	Larson (CT)	Saxton
Dent	Latham	Schiff
Diaz-Balart, L.	Levin	Schmidt
Diaz-Balart, M.	Lewis (CA)	Schwartz
Dicks	Lewis (GA)	Sensenbrenner
Dingell	Lewis (KY)	Sessions
Doggett	Linder	Sestak
Doolittle	Lofgren, Zoe	Shadegg
Drake	Lowe	Shays
Dreier	Lucas	Shimkus
Edwards	Lynch	Shuster
Ehlers	Mack	Simpson
Ellsworth	Mahoney (FL)	Sires
Emanuel	Maloney (NY)	Skelton
Emerson	Manzullo	Smith (NE)
Engel	Marchant	Smith (TX)
English (PA)	Matheson	Smith (WA)
Eshoo	Matsui	Snyder
Etheridge	McCarthy (CA)	Souder
Everett	McCarthy (NY)	Stearns
Fallin	McCaul (TX)	Sullivan
Farr	McCollum (MN)	Tancredo
Fattah	McCotter	Tanner
Feeney	McCrery	Tauscher
Ferguson	McDermott	Terry
Flake	McHenry	Thompson (CA)
Forbes	McKeon	Thornberry
Fortenberry	Meek (FL)	Tiahrt
Fossella	Meeks (NY)	Tiberi
Fox	Melancon	Towns
Frank (MA)	Mica	Turner
Franks (AZ)	Miller (MI)	Udall (CO)
Frelinghuysen	Miller, Gary	Upton
Gallegly	Mitchell	Van Hollen
Garrett (NJ)	Moore (KS)	Walberg
Gerlach	Moran (KS)	Walden (OR)
Gilchrest	Moran (VA)	Walsh (NY)
Gillibrand	Murtha	Wamp
Gingrey	Musgrave	Wasserman
Gohmert	Myrick	Schultz
Gonzalez	Neal (MA)	Watt
Goodlatte	Neugebauer	Waxman
Gordon	Nunes	Weiner
Granger	Ortiz	Weldon (FL)
Graves	Pascrell	Weller
Hall (TX)	Pearce	Westmoreland
Harman	Pelosi	Whitfield
Hastert	Pence	Wicker
Heller	Perlmutter	Wilson (NM)
Hensarling	Peterson (PA)	Wilson (SC)
Herger	Petri	Wolf
Herseth Sandlin	Pickering	Young (AK)
Hill	Pitts	Young (FL)
Hinojosa	Platts	

## NAYS—132

Abercrombie	Carney	Goode
Aderholt	Chandler	Green, Al
Allen	Cohen	Green, Gene
Altmire	Conyers	Grijalva
Andrews	Costello	Gutierrez
Arcuri	Courtney	Hall (NY)
Baca	Cummings	Hare
Baldwin	Davis (IL)	Hastings (FL)
Berkley	DeFazio	Hastings (WA)
Bishop (UT)	Delahunt	Hayes
Boucher	DeLauro	Higgins
Boyd (KS)	Donnelly	Hinchey
Brady (PA)	Doyle	Hirono
Burgess	Duncan	Hodes
Capuano	Ellison	Hoekstra
Carnahan	Filner	Holden

Holt	Michaud	Serrano
Jackson (IL)	Miller (NC)	Shea-Porter
Jackson-Lee	Miller, George	Sherman
(TX)	Mollohan	Shuler
Jefferson	Murphy (CT)	Slaughter
Johnson (GA)	Murphy, Patrick	Smith (NJ)
Jones (NC)	Murphy, Tim	Solis
Kagen	Nadler	Space
Kanjorski	Napolitano	Spratt
Kaptur	Obey	Stark
Kennedy	Olver	Stupak
Kildee	Pallone	Sutton
Kilpatrick	Pastor	Taylor
Kucinich	Paul	Thompson (MS)
Langevin	Payne	Tierney
LaTourette	Peterson (MN)	Tsongas
Lee	Rahall	Udall (NM)
Lipinski	Richardson	Velázquez
LoBiondo	Rodriguez	Visclosky
Loeb sack	Roybal-Allard	Walz (MN)
Markey	Rush	Waters
Marshall	Ryan (OH)	Watson
McGovern	Sánchez, Linda	Welch (VT)
McHugh	T.	Wexler
McIntyre	Sanchez, Loretta	Wilson (OH)
McMorris	Sarbanes	Woolsey
Rodgers	Schakowsky	Wu
McNerney	Scott (GA)	Wynn
McNulty	Scott (VA)	Yarmuth

## NOT VOTING—16

Boren	Hunter	Miller (FL)
Braley (IA)	Jindal	Moore (WI)
Buyer	LaHood	Oberstar
Carson	Lantos	Poe
Cubin	Lungren, Daniel	Rothman
Giffords	E.	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1119

Mr. PALLONE and Mr. CONYERS changed their vote from "yea" to "nay."

Mr. MARCHANT and Mr. YOUNG of Alaska changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POE. Mr. Speaker, on rollcall No. 1060 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Ms. MOORE of Wisconsin. Mr. Speaker, earlier today I narrowly missed the vote on rollcall No. 1060. Had my vote been recorded, I would have voted "nay."

## PERSONAL EXPLANATION

Mr. LYNCH. Mr. Speaker, during rollcall vote No. 1060 on H.R. 3688, I mistakenly voted my vote as a "yea" when I should have voted "nay." This was on the Peru Trade Agreement. I took the floor last night around 10 o'clock in the evening and spoke strongly against the bill, and then today I thought it was the rule and I voted for it.

## CONFERENCE REPORT ON H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 806 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 806

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 806 under section 2 of H. Res. 491 because the resolution contains a waiver of all points of order against the conference report and its consideration.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Arizona makes a point of order that the resolution violates section 2 of House Resolution 491.

Such a point of order made under that resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

The gentleman from Arizona and a Member opposed, the gentlewoman from New York, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 491 says it shall not be in order to consider a conference report unless the joint explanatory statement includes a list of congressional earmarks that were air-dropped into it or that were not committed to the conference committee by either Chamber.

It's unfortunate, just like the Labor-HHS bill, the majority has reported a rule that waives all points of order. Yet, I have to ask here: if we've done everything right, if we've done the transparency that we committed to earlier in the year, why are we waiving all points of order against the bill? Why are we doing this again, second time this week?

We have these transparency rules that we hyped at the beginning of the year that we aren't going to have air-dropped earmarks into a conference report that can't be challenged; yet here again, here we go, waiving all points of order against the bill. That is why I am raising the point of order against the rule; it's the only option I have to highlight what is going on here.

In a press conference in March, the Speaker of the House said: "Before Members vote on a bill, there should be appropriate time for people to be able to read it, that it be a matter of public record. And if there is an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there."

The majority leader, in March, said: "Let no one be mistaken, after the earmark explosion under Republican leadership, Democrats have led the way in bringing transparency and accountability to earmarks." It appears that we're not doing that now.

The majority leader also said: "This is a new day and a new Congress. The days of hear no evil, see no evil, speak no evil are over. This Congress embraces its constitutional responsibility to conduct real, meaningful oversight, as well as our values of openness and transparency."

Mr. Speaker, I would suggest that when you have a conference report and we finally get a look at it last night, less than 12 hours ago or so, and there are more than two dozen earmarks air-dropped into it, this is the first we've seen of them, we haven't seen any of them before this time, that is not the model of transparency. That is not openness. We have no ability to challenge those earmarks. None. We can't highlight them and say you vote up or down on this earmark.

The joint explanatory statement says that there are 24 Defense earmarks that were not passed by either Chamber, costing \$59 million. Let me give you just one example of what's in there. There is one of these earmarks, \$3 million earmark in the Defense bill, remember, this is the Defense bill we're talking about, a \$3 million earmark for a program, according to The Hill newspaper, intended to attract disadvantaged and minority children to the game of golf. This is the game of golf in a Defense bill. Is it any wonder, should anybody be surprised that this was an earmark that was air-dropped into the conference report when we don't have the ability in this Chamber to challenge it? This is the only opportunity we have, a procedural vote, as to whether to move forward on the rule. Now, that is not openness, that is not transparency.

It's often brought up that the Republicans, when we were in charge, we did the same thing. We did, and we played the political price for it. We shouldn't have done it. It shouldn't excuse what's going on today. This is supposed to be a new day in Congress. This is business as usual. This is par for the course, to use a bad pun, to put a golf earmark in a Defense bill, and to hide it until the last day, until nobody can challenge it anymore.

Now, we may think that that's cute here, but I can tell you people across the country have got to be incensed with it. And we felt the brunt of it, as Republicans, last year. I would suggest that, unless the majority party sees its way clear to change this practice, they're going to feel the brunt of it as well.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this point of order is not about whether or not to consider

the rule on, ultimately, the funding of our troops, and indeed, the entire government, under a continuing resolution. In fact, I would say that it is simply an effort to try to kill the conference report, and on a faulty premise at that.

Every single earmark in this conference report has been properly disclosed in conformance with House rules. The blanket waiver against consideration of conference did not include a waiver of either clause 9 of rule XXI or House Resolution 491.

This parliamentary ruse won't work. We must consider this conference report, which fully supports our men and women, provides for our wounded warriors by providing for them and for their families, addresses the severe equipment shortfalls facing the National Guard and Reserves, and fully funds a pay increase for all servicemembers. In addition, this measure provides the funds necessary to respond to the wildfires of 2007 and provide continued disaster response and relief efforts.

Voting "no" on this question of consideration will prevent consideration of a critical package that has strong House and Senate bipartisan support.

□ 1130

So despite whatever roadblock the other side tries to use to stop the bill, we will stand up for our troops. We must consider this rule. We must pass this conference report today.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. I would be glad to yield time to the gentlewoman if she would inform us as to why all points of order were waived against the bill itself. This is not a parliamentary ruse here. This is a response to a parliamentary ruse. The parliamentary ruse is air-dropping earmarks into a bill and then waiving all points of order against or waiving all points of order against that bill so all we can do here is raise a point of order against the rule itself. So the parliamentary ruse here was actually used by the majority party to hide these earmarks, in particular a \$3 million earmark for golf in the Defense bill.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Arizona. I will be very happy to hear what the answer from the lady from New York is because I think the question before us is if the majority party wants to clean up this earmark process, or do they just want to say they are cleaning up the earmark process when it actually doesn't occur? If we are going to have these rules that enable you to raise points of order on earmarks that have been air-dropped in, we have earmarks air-dropped in which shouldn't happen in the first place. Some of these are clearly inappropriate. But yet all opportunity to raise them against the bill

has been waived. So why are you even doing this? It appears that they are not serious about really stopping or reforming earmarks; they simply want to act like they are. If we are serious, none of these earmarks that were air-dropped in should be allowed.

Mr. FLAKE. May I inquire as to the time remaining on my side?

The SPEAKER pro tempore. The gentleman from Arizona has 4½ minutes remaining.

Mr. FLAKE. I would like to yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding, and I certainly appreciate the gentleman from Arizona's leadership here. I did not realize until I came to the floor that somehow a 9 iron was a vital part of our national defense apparatus. I mean, this is clearly an outrage. The new majority who claim that they were going to clean up the earmark process and bring us unparalleled transparency and accountability have done neither, and their actions speak so much louder than their words. And so here we have air-dropped earmarks that were neither voted on by the House, by the Senate, appearing in the this bill in the dead of night with no accountability, no ability of a Member to come to the floor and challenge. It appears to be another callous effort to wrap pork in the American flag, to take our defense money meant for our war fighters and to hide pork in it. It is an outrage, and the majority ought to admit they have made no serious effort, no serious commitment whatsoever to bring accountability and transparency to the earmark process.

Ms. SLAUGHTER. Mr. Speaker, let me remind my colleagues and dear friends on the other side of the aisle that it was the democratic process and the Democrat Party that brought us section 491, and we are in complete compliance with it.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding.

Mr. Speaker, I am stunned at this debate. All of our colleagues are watching. Yeah, we brought you a rule that says transparency was a good idea. We still believe transparency is a good idea, but that rule is being waived here. We are not being allowed to debate air-dropped earmarks dropped into this legislation. We are not being allowed to follow the rule.

Now, let's see if I understand this. It is okay for America if you adopt rules that require transparency, but it is also okay if you just waive the rules that require transparency, because after all, you said you were for transparency and adopted a rule for transparency and you just waived it. So there is no transparency. I believe it is vitally important that the American people know how their money is spent.

I think they would want to know that we are spending millions of dollars in air-dropped earmarks for things that make no sense in the Defense bill, including golf training. I have yet to meet a soldier who didn't perhaps want to improve his golf game, but I have yet to meet a taxpayer who thought we ought to be funding that. You are either for transparency or not. I think it is simple and straightforward.

Mr. FLAKE. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. Thank you, Mr. Speaker.

Let's get down to the bottom line about what this is about. At the beginning of the year, we were promised transparency. We were promised that if earmarks were dropped in to a conference report, if they weren't considered by either the House or the Senate, that we would have the opportunity to challenge those earmarks, that we would have the opportunity to shine a light on them, to actually see what they are about. We are not getting that opportunity because we have waived the rule. What good are rules if they are waived routinely?

Let me say, this is not our rule on this side. We were glad to see it. But it is the majority's rule, and it is being waived. It is no surprise here when you look at the earmarks that are in, 24 earmarks, some of them are to private companies. These are sole-sourced contracts, single-source contracts, no-bid contracts to private companies and to universities. We have no opportunity to see what they are about. None. We just got the list 24 hours ago. We don't have the opportunity to challenge those.

The Wall Street Journal, New York Times, Washington Post, many media outlets over the past couple of weeks have raised issues about these defense contracts, the ones that went through the House and the Senate, whether or not they are appropriate, whether they are linked to campaign contributions coming back, a whole host of questions are raised; yet we have no ability here, because the rules are waived, and we can't even challenge these.

And then when you see an earmark for golf in the Defense bill, you have to say, you know, did they intend on hiding this? Would that withstand the scrutiny when it comes to the floor? We have the Woodstock earmark over in the Senate, the hippie museum that didn't withstand the scrutiny. We had one over here on this side this year that didn't withstand the scrutiny. I raised a couple of earmarks, one of which the sponsor came to the floor before I could get here to withdraw his own earmark. In another case, the majority party Appropriations Committee went to the Rules Committee and said remove these earmarks because there is questions about them. That is just on a few earmarks we were able to challenge.

So there may well be those questions here, as well. Or, you have to wonder if this Caddyshack earmark would have made it through the scrutiny that would have come had we been able to challenge it in the House. Or would enough Members say, you know, maybe we shouldn't be funding golf in the Defense bill.

Is it any wonder that an earmark for golf is hidden in the Defense bill? That is what we have to ask.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, let me say that this conference report is the standard conference report, the standard rule, and passed the Rules Committee 13-0. There were no dissenting votes from the Republicans at all about this rule. The report has been available since Tuesday. It meets all requirements for layover.

I am going to urge my colleagues to vote "yes" to consider the rule.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 191, not voting 21, as follows:

[Roll No. 1061]

YEAS—220

Abercrombie	Davis, Lincoln	Jackson (IL)
Ackerman	Davis, Tom	Jackson-Lee
Allen	DeFazio	(TX)
Altmire	DeGette	Jefferson
Andrews	Delahunt	Johnson (GA)
Arcuri	DeLauro	Johnson, E. B.
Baca	Dicks	Jones (OH)
Baird	Dingell	Kagen
Baldwin	Doggett	Kanjorski
Bean	Doyle	Kaptur
Becerra	Edwards	Kennedy
Berkley	Ellison	Kildee
Berman	Emanuel	Kilpatrick
Berry	Engel	Kind
Bishop (GA)	Eshoo	Klein (FL)
Bishop (NY)	Etheridge	Kucinich
Blumenauer	Farr	Lampson
Boswell	Fattah	Langevin
Boucher	Filner	Larsen (WA)
Boyd (FL)	Frank (MA)	Larson (CT)
Brady (PA)	Gillibrand	Lee
Brown (SC)	Gonzalez	Lipinski
Brown, Corrine	Gordon	Loeb sack
Butterfield	Green, Al	Lofgren, Zoe
Capps	Green, Gene	Lowe y
Cardoza	Grijalva	Lynch
Carnahan	Gutierrez	Mahoney (FL)
Castor	Hall (NY)	Maloney (NY)
Chandler	Hare	Markey
Clarke	Harman	Marshall
Clay	Hastings (FL)	Matheson
Cleaver	Herseth Sandlin	Matsui
Clyburn	Higgins	McCarthy (NY)
Cohen	Hill	McCollum (MN)
Conyers	Hinchey	McDermott
Cooper	Hinojosa	McGovern
Costa	Hirono	McIntyre
Costello	Hobson	McNerney
Courtney	Hodes	McNulty
Cramer	Holden	Meek (FL)
Crowley	Holt	Meeks (NY)
Cuellar	Honda	Melancon
Cummings	Hoolley	Michaud
Davis (AL)	Hoyer	Miller (NC)
Davis (CA)	Inslee	Miller, George
Davis (IL)	Israel	Mitchell

Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Roybal-Allard  
Ruppersberger  
Rush

Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner

Thompson (CA)  
Thompson (MS)  
Tiahrt  
Tierney  
Towns  
Tsongas  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth  
Young (AK)  
Young (FL)

Boren  
Boyd (KS)  
Braley (IA)  
Buyer  
Cantor  
Capuano  
Carson  
Cubin

NOT VOTING—21  
Giffords  
Hunter  
Jindal  
LaHood  
Lantos  
Levin  
Lungren, Daniel  
E.

Miller (FL)  
Moran (VA)  
Oberstar  
Rothman  
Tauscher  
Waxman

□ 1203

Messrs. KIRK, HOEKSTRA, BRADY of Texas, BILIRAKIS, FRELING-HUYSEN, BACHUS, WHITFIELD and GILCHREST changed their vote from “yea” to “nay.”

Mr. BRADY of Pennsylvania and Mr. BROWN of South Carolina changed their vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

## GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 806.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 806 provides for consideration of the conference report for H.R. 3222, the Department of Defense Appropriations Act, 2008.

Mr. Speaker, this is one of the important parts that I hope will answer some questions here. The rule is the standard conference report rule which waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

However, I want to point out that although the rule waives all points of order, the conference report does not violate either House Resolution 491 or clause 9 or 10 of rule XXI which require earmarks to be disclosed in the conference report and requiring conference reports to be in compliance with the PAYGO rule.

Mr. Speaker, this morning I visited the family of a critically injured soldier at Bethesda Naval Medical Center, and I was reminded once again of a sign that stood outside a VA hospital in my former district, a sign that read, “The price of liberty is visible here.”

This Monday, we will pay tribute to our brave men and women in uniform and remember that they truly are our country's greatest heroes. We must, therefore, do all we can to make certain that they receive the care and

benefits that they have earned and the respect and recognition they deserve, not just today, but every single day.

I am proud to bring to the floor the 2008 Department of Defense Appropriations legislation and a continuing resolution, the product of many months of hard work.

In that spirit, Mr. Speaker, this legislation is a smart and compassionate way to strengthen America's security and provide what is necessary for our troops.

We do so by investing in the safety and protection of our service men and women both at home and abroad, while providing them with the tools that are necessary to defend our country. This bill also invests in quality health care for military personnel and works to expand our Armed Forces to meet ever-changing threats to our national security.

The bill also determines how we as a Nation will spend our considerable resources, both at home and abroad, in order to best protect our fellow Americans, our shared values, and our common interests.

This agreement between the House and Senate prioritizes the preparation and safety of our Nation's men and women in uniform and, thus, honors our commitment to our military. It is a definitive statement that we will properly equip our troops before they deploy, provide them with support as they serve in harm's way, and ensure their dignified treatment upon their return.

To accomplish that goal, this bill provides \$459 billion for the Department of Defense, a \$39.7 billion or a 9.5 percent increase from 2007. The money allows us to invest in equipment, in training, and cutting-edge weaponry. Most importantly, however, it restores balance to our ground forces that are badly overstretched by 5 years of war and multiple extended deployments.

Make no mistake, our commitment to our fighting men and women does not end on the battlefield. It is our responsibility to ensure that each one is properly covered upon their return home. And I am proud to say that this bill does exactly that, by adding \$70 million to fund programs authorized under the Dignified Treatment of Wounded Warriors Act and providing \$23.5 billion for defense health programs, which I must stress, is nearly \$1 billion more than the President's request. And it is long overdue. Far too many veterans are left without the treatment that they need or have to wait far too long.

The dual wars in Iraq and Afghanistan have placed an unimaginable strain on our military that will take many years to repair. To help remedy this problem, the conference report helps grow the military, including 7,000 new members of the Army, 5,000 new marines, and 1,300 new Army Guard to begin to help repair this strain.

It also fully funds a 3.5 percent pay increase for all servicemembers, and

## NAYS—191

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while that is not nearly enough when low-level Blackwater contractors make as much money as four-star generals, it is a step forward.

Mr. Speaker, earlier this week, six U.S. soldiers were killed in three separate attacks across Iraq. Those tragic losses brought the number of U.S. soldiers killed to more than 850 this year, making 2007 the deadliest year of the war in Iraq. Let me repeat that. This year, the fifth year of combat in Iraq, is deadlier than any of the years that preceded it.

I would be remiss if I did not mention a New York Times article on a secret Pentagon study that found, and I hope everybody absorbs this, a secret study found that 80 percent of the marines who died of upper-body wounds in Iraq could have survived if they had been deployed with better body armor.

I was so deeply troubled by reports like these that I asked the Department of Defense's inspector general to investigate the Pentagon's procurement of both vehicle and body armor. The first report issued in July was heart-breaking in its tales of a manufacturer that was unable to produce the number of MRAP vehicles that it had committed to in its contract with DOD; ultimately, without doubt, costing some soldiers their very lives.

As we await the second report from the Pentagon on body armor procurement practices, the former CEO of one of those body armor manufacturers, David Brooks, was indicted on multiple counts of fraud by the United States Attorneys in eastern New York. He is accused of having enriched himself to the tune of over \$180 million at the expense of the safety of our Armed Forces. I await the report from the inspector general on how that contract was given. It is unconscionable.

I am relieved to say in light of these findings, the conference report fittingly directs \$11.6 billion to the procurement of MRAP vehicles and increases funding for the body armor and other protective equipment which I hope will be closely monitored by this Congress which is trying so hard to keep up with some oversight that has been missing for over 6 years.

The conference report today also provides all of those deploying, deployed, and returning with the resources that they, their families, and our veterans need to sustain them through a time of war. But all of the body armor in the world, all of the MRAPs, cannot stop the violence in Iraq and prevent the casualties and deaths of our young men and women facing combat in Iraq.

It is my fervent hope and desire that we can bring our troops home before next year becomes the deadliest year in this tragic war.

As we face troubles abroad, Mr. Speaker, we here at home are constantly reminded of the toll that the war in Iraq is taking on our national security. The dire shortage of National Guard equipment was underscored these past few weeks as America

watched with horror the wildfires devastating Southern California.

The San Francisco Chronicle reported in May that only half of California's National Guard equipment was available because much of it, almost a billion dollars' worth, had been left in Iraq.

In my home State of New York, the National Guard is operating with 40 percent of its equipment and only 35 percent of its trucks and authorized vehicles. Simply put, we cannot afford to continue shortchanging our domestic priorities.

To help put our priorities and Nation back in order, Mr. Speaker, today we will provide \$500 million to respond to the California wildfires, along with allocating \$2.9 billion to FEMA for continued disaster relief efforts and \$3 billion for the "Road Home" program to assist people who are still searching for homes damaged by Hurricanes Katrina and Rita.

Additionally, we add \$980 million for the National Guard and Reserve to replenish their equipment which has become so strained due to our conflicts abroad.

Mr. Speaker, let us honor the service of our troops, their families, and America's veterans by passing this conference report and fulfilling our commitment to those who sacrifice so much.

I hope my colleagues will use the upcoming Veterans Day to reflect on what kind of an America they wish to create for future generations. And it is my hope that we in Congress take the question very seriously in the coming months and years ahead.

I have faith in this body, just as I have faith in this Nation, that we will possess the wisdom to do what is right and the courage to right what is wrong. The future of our national security depends on it.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and I yield myself such time as I may consume.

I believe the distinguished chairman of the Rules Committee stated that this rule was passed by a 13-0 vote. I was not able to be present at that rules meeting, and neither was Mr. DREIER. I believe Ms. SUTTON was not either.

□ 1215

So it would not have been a 13-0 vote. That could not have been possible.

Mr. Speaker, since the terrorist attacks of September 11, 2001, our Armed Forces have been deployed in two major theaters of operation. Too many of our noble servicemembers have given what Abraham Lincoln called the last full measure of devotion to the Nation. Many more of these brave men and women bear the physical and mental scars of battle which will last their lifetimes.

As a Congress, we must continue to work to ensure that our military has all the equipment and training necessary to successfully and safely complete their missions.

I commend the members of the conference committee for working in a bipartisan manner to meet the needs of our military and veterans in the conference report on the Defense appropriations bill for fiscal year 2008. The \$459 billion in the bill will provide the necessary resources to our Armed Forces and continue the investments that we have made to make certain that the American military is the finest in the world.

The conference report provides \$23.5 billion, over \$2.2 billion above the fiscal 2007 level, for Defense health programs. The bill improves the Pentagon's electronic medical records and enables better coordination between DOD and the VA. It also enhances preventative medicine programs and increases investments in medical research. I'd like to highlight that \$138 million has been allocated for breast cancer research and \$80 million for prostate cancer research.

To support our soldiers' families, the bill provides \$2.6 billion for family advocacy and other programs to support families affected by the rigors of war.

The conference report also gives all of our military personnel a much deserved pay raise, as was mentioned by the distinguished chairman, 3.5 percent, and fully funds the efforts to increase our Armed Forces, including equipping and training costs for 7,000 new members of the Army and 5,000 new marines.

The bill also protects our soldiers in combat by providing \$11.6 billion for Mine Resistant Ambush Protected vehicles and increases funding for body armor and other protective equipment.

Mr. Speaker, unfortunately, the majority has yet to send the President any appropriations bill this year to sign into law. This is the longest Congress has taken to finish even one appropriation bill in over 20 years. Because the majority has failed to complete its work on these important appropriations bills, funding for the Federal Government is set to expire on November 16. This conference report will extend the current continuing resolution through December 14 so that the government can continue to remain open.

The CR, the continuing resolution, also provides \$6.4 billion in emergency spending, including \$2.9 billion for FEMA's disaster relief fund, \$500 million for fighting wildfires, and \$3 billion for the gulf coast Road Home hurricane rebuilding program. It also increases funding to prepare for the 2010 census, as well as another \$2.9 billion to bring VA funding up to the President's fiscal year 2008 request.

Obviously, I support this important piece of legislation that the rule brings to the floor today, but I think that it

falls short on one major issue, providing a bridge fund for our troops in theater.

Without a bridge fund, the Department of Defense will be forced to make some very difficult decisions: Will they cut funding for the troops in theater to carry out the worthwhile projects and funding increases in this bill, or will they send funding to troops and put major projects in this bill on hold? The Department of Defense should not have to make such decisions, Mr. Speaker. This conference report should fund both the important projects in the bill and provide our troops in the theater with funding.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from South Carolina, the majority whip, Mr. CLYBURN.

Mr. CLYBURN. Let me thank Congresswoman SLAUGHTER for yielding me this time.

Mr. Speaker, I wanted to come to the floor today to speak about an issue that seems to have occupied the time of some of my colleagues this morning and that led to a particular story in one of the publications here on the Hill this morning.

It has a headline that is about one of the earmarks in this bill, and let me point to it. It very clearly states, I think it's on page 78, that a \$3 million request is being made for the First Tee program. It's found on page 78.

Now, in accordance with the rules of the House, this request was made by me and my name is attached to it because I'm very, very proud of it.

What I'm not proud of, however, is the headline that has been published this morning saying that a "South Carolina Golf Center Nabs a \$3 Million Earmark." That is utterly untrue.

This \$3 million request is so that we can put on military bases the program called First Tee. This program will be there for the children of the men and women, many of whom find themselves in harm's way, so their children that they leave back here on military bases all over this country, some on military bases in foreign countries, their children will have the opportunity to participate in a nationwide character-building program which happens to use as one of its core components the game of golf, a game that has been made very, very popular by a young man of color, who has made this a sport that young, low-income children and children of color have finally become enamored of.

I just want to make sure that these children who live on these military bases will have the same access to this program that they have to softball, to swimming pools, to basketball that we fund in the appropriations bills every year. We put these programs on these military installations, and we say, softball, swimming, basketball, reserved for you all.

So I just want to say that I cannot prevent headline writers. I used to be

in this business. I was in the newspaper business, and I know why we write headlines.

Not one dime of this request will go to any civilian facility in South Carolina or anywhere else in the United States of America. Every single dime of this is to be spent on defense facilities to the benefit of those children whose mothers and fathers are off defending our way of life, so that their children can have the same kind of opportunities that our children have.

And I find it a little bit insulting that we say we are going to reserve this kind of activity for the elite and not make it available to the children of the men and women who are preserving our way of life.

There's something about this. We know who is fighting this war. Rural, low-income families are carrying the burden of this war, and I think we've got a responsibility here to say to their children, we're going to treat you the same way we treat the kids downtown. And the kids in downtown, in Sumter, in my hometown, if they can have a First Tee program, I want those kids at Shaw Air Force Base 10 miles away to have that same kind of program. I want those kids at Charleston Air Force Base, while their families are off, that's where they're all leaving from, that base, to go off to fight in Afghanistan and Iraq. They're leaving their children there. I want their children to have the same opportunities on that base as kids have downtown Charleston.

And for us to single this out and write a headline like this, not one dime goes to this center, and they know it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I rise in support of the rule and this conference report.

I want to commend Chairman MURTHA and Ranking Member YOUNG for the great work they do together each and every year on behalf of our young soldiers and their families, and the great staff that works in a nonpartisan manner for all of those soldiers and families.

The challenge laid before our subcommittee every year, and this year is no exception, is to strike the appropriate balance between present and future needs.

Clearly, we must provide the necessary funding to support our courageous young warfighters, troops in and out of the current fight, and their families and do it as soon as possible.

In this regard, I'm pleased, as others have mentioned, that we fully fund a pay raise for our troops. We also provide an additional \$2.5 billion for family support activities, more counselors, teachers, day care providers, better housing.

This bill also contains significant increases in many Defense health ac-

counts and provides funding to improve military mental health and post-traumatic stress syndrome programs.

It includes new efforts on preventative medicine in the Department of Defense and extra medical research. It contains \$1.9 billion to erase the shortfall in the military's TRICARE medical program. It fully funds flying hours and home training.

But, Mr. Speaker, our committee has also applied its best judgment as to how we look to the future and how our Nation will confront adversaries in future conflicts.

This bill provides, as others have said, nearly a billion new dollars to upgrade the equipment of our National Guard and Reserves for both military and home State civil operations.

This bill fully funds the end strength increases for the Army and the Marines.

It moves the F-22 Raptor program forward and retains important language that bars its foreign sale.

The bill advances the Joint Strike Fighter program and directs production of a second engine.

Mr. Chairman, if I'd written this bill, I might have written some sections differently. For example, I wonder if we've gotten it right with respect to the future combat systems, the Army's signature modernization program. That's the Army's future, and we need greater investments in that area.

And lastly, Mr. Speaker, I join with many others in being very concerned that this conference report does not include a bridge fund to support our deployed warfighters. I understand that the House may bring a freestanding bridge fund to the floor next week.

However, I believe it's a mistake to attempt to pass a downsized, stand-alone bridge fund wrapped in so much red tape and conditionality so as to force the President to veto. While this may serve some ends, it slows the process of getting needed support for those who are literally on the front lines in Iraq and Afghanistan.

But all in all, this is an excellent package, worthy of our support. Again, I congratulate Chairman MURTHA and Mr. YOUNG for all they do each and every year, and I support the rule and I support the conference report.

□ 1230

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Chairman, I want to thank you for allowing me to have 3 minutes.

Mr. Speaker, I am in support of the rule, and I encourage all of the Members to do so. As a sitting 5-year member on the Armed Services Committee, having an opportunity to look not only over this bill but being a part of the voting for Defense bills or Defense appropriations bills in the past, I am proud of it.

We have the responsibility here in Congress not only to make sure they



have up-armor, bullets, what have you, meals, the things they need in the field, but we also have to make sure that their families are okay too. I asked for a couple of minutes because I couldn't help but witness the passion that the whip had when he came to the floor about making sure that military families have the same opportunities as those who are not in the military.

I think it's important for us to realize, Members, that there are some individuals that are privileged, there are some people that have the opportunity to be with their sons and daughters, but we also have people who are in harm's way. In a time of war, we have to make sure that life doesn't stop for those families that are left behind.

I just want to add, so that we start looking at this issue, not to make it a debate, because it was debated earlier today, but this bill is doing some of the great things as it relates to the MRAP vehicles we have in Iraq. I was just in Fallujah a couple of months ago. It was my third trip to Iraq. I am proud to see some of the work that is starting to take place there as it relates to the equipment getting to the men and women. But I can say that this issue of making sure that families have what they need when we have men and women in harm's way is not a new issue.

I can tell you a former Member of the House, Mr. DeLay, had a \$1 million FY03 Labor-HHS appropriations to the First Tee program, and these are for civilians. The program also received \$2 million in FY04 Labor-HHS appropriations bill, and \$1 million in the State-Justice appropriations bill. I think it's important that Members realize that when we look at these military families, they have to have the same kind of attention and appreciation that we give our men and women in harm's way.

I have my son here on the floor with me today; he is out of school. As Members know, we play golf together. But, guess what? I am here to play golf with him. The First Tee program has instructors to be able to work with young people when their mothers or their fathers are not there to play that role. So let's make sure that we do the right thing.

Madam Chairman, I want to thank you for bringing the rule to the floor. I want to thank those who are in support of the rule, but I think it's very, very important that I expect to vote in an affirmative for the rule, to make sure that we do for military families what we do for men and women in harm's way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to my friend, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. I thank my friend from Florida for yielding.

Mr. Speaker, this is a good bill. I support the bill. As Mr. FRELINGHUYSEN stated, if I had been writing it line for line, it wouldn't be quite the way it is,

but it is a good bill and worthy of our support.

I support the rule also. I hope that it can be amended to make it even better, and here is why. This is the Defense appropriations bill. It will be acted on today, it will be acted on perhaps tomorrow by the Senate and on the President's desk. There is another bill that very much needs to be on the President's desk by Veterans Day, which is November 11. I suppose we will be celebrating it on Monday, November 12, this year because we don't have the Federal holidays on Sunday. That's the bill making appropriations for Military Construction and Veterans Affairs. That bill is ready to go and also ready to be sent to the President of the United States.

The House passed its version of the MilCon-VA bill on June 15 of this year by a vote of 409-2. The Senate passed its version of MilCon-VA on September 6, over 2 months ago, by a vote of 92-1 in favor of the bill. For over 2 months, we have stood ready to conference this bill to send it on to the President and send vital funds for infrastructure, for our troops and for their families, and also for our heroes who have served in the past.

As we all know, this is the latest the Congress has gone without sending a single appropriation bill to the President in the past 20 years.

Now, what this amendment that the gentleman from Florida will do, if he is allowed to offer the amendment, is simply to instruct the Speaker to appoint conferees immediately for the MilCon-VA bill. It will do nothing to the Defense bill whatsoever, but it is a way for us to proceed immediately on legislation, which all of our veterans service organizations say is important, which is a good bill, and which should be sent to the President by Veterans Day.

I will be joining Mr. DIAZ-BALART and others in voting against the previous question, not because there is anything wrong with the Defense bill, but in order for this amendment to be added and simply allow MilCon-VA to proceed also.

Now, as we say sometimes in the rural south, there is more than one way to skin a cat. If Members feel that defeating the previous question is not what they want to do and requiring the Speaker to appoint conferees immediately, there is another way to move the MilCon-VA immediately and have it sent to the Senate this very day, and that is some legislation which I introduced last night. It's H.R. 4104, and here is what it does. It contains the exact language that was signed by the conferees with regard to MilCon-VA. It is a stand-alone bill with the conference language on MilCon-VA, and it could be adopted this afternoon by unanimous consent. It could be adopted under a suspension of the rules, sent to the Senate immediately, and sent on to the President for his signature before Veterans Day.

What a way to honor our veterans. What a way to honor and pay tribute to the families that will benefit from the MilCon projects and to the troops that need that vital infrastructure.

Defeating the previous question and amending the resolution, I support. But if Members feel they cannot go along with that, I urge them to look at this bill, H.R. 4104. We already have over 100 cosponsors. As I say, it is identical to the bipartisan MilCon-VA conference agreement that Mr. EDWARDS and Mr. OBEY and I and Mr. LEWIS worked out as a conference agreement with Members of the Senate. It is the exact language that was passed as an attachment to the Labor-HHS bill.

You know, this should not be a partisan issue. I strongly disagreed on the floor of this House with my friend Mr. OBEY and the leadership of this House with the strategy of linking MilCon-VA with the Labor-HHS appropriation bill. I stated that I thought it would slow things down, and, indeed, it did slow things down. The strategy didn't work. The Senate delinked those two bills yesterday afternoon, and now we are really not sure where we are.

H.R. 4101 is the best way and the quickest way for this House and for the Senate to simply send that legislation on to the President. He could be signing it tomorrow afternoon.

So I call on my colleagues to vote "no" on the previous question. I like Mr. DIAZ-BALART's strategy. Frankly, I like my strategy a little better because it's cleaner. Let's pass a stand-alone MilCon-VA conference report, the exact language that every one of us has already agreed to, send it on to the President and honor our troops by Veterans Day.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I would submit for the RECORD an article from Congressional Quarterly Today, dated October 23, 2007, and a copy of page 289 from this bill.

[From CQ Today, Oct. 23, 2007]

ITEM IN WAR REQUEST STOKES FEARS OF IRAN STRIKE

(By John M. Donnelly)

Some Democrats are worried that President Bush's funding request to enable B-2 "stealth" bombers to carry a new 30,000-pound "bunker buster" bomb is a sign of plans for an attack on Iran.

Buried in the \$196.4 billion supplemental war spending proposal that Bush submitted to Congress on Oct. 22 is a request for \$88 million to modify B-2 bombers so they can drop a Massive Ordnance Penetrator, or MOP, a conventional bomb still in development that is the most powerful weapon designed to destroy targets deep underground.

A White House summary, accompanying the supplemental spending proposal said the request for money to modify B-2s to carry the bombs came in response to "an urgent operational need from theater commanders." The summary provided no further details. The White House and the Air Force, in response to queries, did not provide additional clarification.

Previous statements by the Defense Department and the program's contractors,

along with interviews with military experts, suggest the weapon is meant for the kind of hardened targets found chiefly in Iran, which Bush suspects developing nuclear weapons capability, and North Korea, which already has tested a nuclear device.

Bush has said repeatedly that he prefers to use diplomacy to resolve tensions with Iran over its nuclear program. But his request for funding to deliver the new bunker buster comes amid a sharp escalation of tough White House rhetoric about Iran's nuclear program in recent days.

On Oct. 18, Bush said a nuclear armed Iran could lead to "World War III." Three days later, Vice President Dick Cheney warned of "serious consequences" if Tehran continued to enrich uranium.

Against that backdrop, the proposed funding for bunker busters has some in Congress worried.

James P. Moran, D-Va., a senior member of the House Appropriations Defense Subcommittee, said he did not believe the MOP could be used in Iraq or Afghanistan and cited Iran as the potential target for the bomb. He said he would oppose the funding.

"That's a clear red flag," Moran said.

Jim McDermott, D-Wash., an outspoken critic of Bush's war policies, said the funding request was the latest of many signs that indicated Bush was contemplating an attack on Iran. McDermott said such a scenario was his "biggest fear between now and the election."

"We are not authorizing Bush to use a 30,000-pound bunker buster," he said. "They've been banging the drums the same way as they did in 2002 with Iraq."

STEALTH DELIVERY

The Boeing Co., in conjunction with Elgin Air Force Base in Florida, has been developing the Massive Ordnance Penetrator for several years and first tested the bomb in March. The 15-ton bomb would be dropped by B-52 or B-2 bombers.

In June, the Northrop Grumman Corp., maker of the B-2, won a \$2.5 million contract from the Air Force to retrofit the bat-winged, stealth bombers so they could drop the new weapon. The new funding, if approved, would significantly expand that initiative.

The B-2 made its battlefield debut during the Kosovo War in 1999. It is optimal for use against sophisticated enemy air defenses because its radar-evading surface is difficult to detect.

In interviews Tuesday, military experts said the new weapon was not designed for the kind of counterinsurgency campaign being conducted by U.S. forces in Iraq and Afghanistan. They said the MOP could prove useful against other targets, notably underground Iranian facilities that are said to be producing nuclear weapons materials.

"A weapon like this is designed to deal with extremely hard and buried targets such as you would find in Iran or North Korea," said Loren Thompson, a defense analyst with

the conservative military think tank, the Lexington Institute, who is also a consultant for some defense contractors.

"Clearly, in the case of North Korea, the likelihood of military action is receding as the Pyongyang government becomes more tractable," said Thompson, referring to recent progress in diplomatic efforts to persuade North Korea to dismantle its nuclear programs.

John Pike, an expert on defense and intelligence policy with Globalsecurity.org, said the MOP could be used against Iran's main uranium enrichment facility at Natanz.

"It'll go through it like a hot knife through butter," Pike said. He noted that the B-2 would be the best aircraft to deliver the bomb "if you want it to be a surprise party."

It is not clear how quickly the new weapon could be ready for delivery by a B-2 if the \$88 million were enacted. A spokesman for Northrop Grumman declined to provide a time frame.

Not all Democratic lawmakers oppose the weapon. Non-nuclear bunker busters have emerged in recent years as favorites of Democrats concerned about Bush administration's earlier plans to conduct research on nuclear models.

"We need to have this as a conventional weapon," said Norm Dicks, D-Wash., a member of the House Defense Appropriations Subcommittee. "It adds to our deterrent."

	R-1	Budget Request	House	Senate	Conference
68 SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....		12,622	12,622	15,622	15,022
AT-68 for the Air National Guard .....				3,000	2,400
70 B-2 ADVANCED TECHNOLOGY BOMBER .....		244,019	289,219	292,019	297,819
AF Requested transfer for Radar Modernization Program .....			38,000	38,000	38,000
Small Diameter Bomb .....			7,200		5,800
Massive Ordnance Penetrator for B-2 .....				10,000	10,000
71 PERSONNEL RECOVERY SYSTEMS .....		290,059	190,059	98,059	105,000
Contract award delay .....			-100,000	-192,000	-86,059
Transfer to Line 57, Aircraft Procurement, Air Force, only for H-60 upgrades .....					-99,000
72 ELECTRONIC WARFARE DEVELOPMENT .....		101,649	103,149	103,649	103,249
Rapid Replacement of Mission Critical Logistics Electronic Components .....			1,500	2,000	1,600
76 COUNTERSPACE SYSTEMS .....		53,412	53,412	65,412	64,412
Space Control Test Capabilities .....				5,000	4,000
RAIDRS Block 20 (Air Force unfunded requirement) .....				7,000	7,000
77 SPACE SITUATION AWARENESS SYSTEMS .....		187,804	197,604	187,804	197,604
Space Fence .....			9,800		9,800
79 SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....		587,004	614,604	587,004	587,004
MCSB Upgrade .....			27,600		0
80 ALTERNATIVE INFRARED SPACE SYSTEM (AIRSS) .....		230,887	75,887	75,000	75,887
Program Growth .....			-155,000	-155,887	-155,000
82 ARMAMENT/ORDNANCE DEVELOPMENT .....		1,985	3,485	1,985	3,185
1-1000 Warhead Technology Demonstration .....			1,500		1,200
84 AGILE COMBAT SUPPORT .....		10,623	12,623	10,623	12,223
Improvised Ordnance Detonator-Advanced Development .....			2,000		1,600
86 LIFE SUPPORT SYSTEMS .....		12,649	13,649	12,649	13,649
ACES II Ejection Seat Improvement .....			1,000		1,000
88 INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....		189	13,189	8,189	17,589
Program Engineering Interoperability Framework .....			2,000		1,600
Enterprise Services for Reach Back Capabilities (ESRBC) .....			3,000		3,000
MEDSTARS Integration with Global Combat Support System .....			2,000		1,600
Airborne Web Services (AWS) Spiral 5 .....			1,000		800
Distributed Mission Interoperability Toolkit (DMIT) .....			5,000		4,000
ASSET eWing and Data Fusion Technology Integration Base .....				5,000	4,000
Global Awareness Presentation Services (GAPS) .....				3,000	2,400
89 INTELLIGENCE EQUIPMENT .....		1,469	1,469	5,969	5,069
Electronic Warfare Modeling, Simulation and Wireless Testing Center .....				4,500	3,600

I have made known in the course of hundreds of speeches the last few years my opposition to the war in Iraq, so I don't need to elaborate on that. I have a bill in H.R. 1234 that would bring our troops home and set in motion an international peacekeeping and security plan that would enable that to move in as our troops leave. I believe the best way to support the troops is to bring them home.

But I rise today to inject a note of caution into these proceedings about an item in this appropriation which could have enormous consequences for

United States policy with respect to Iran.

It has been well reported that there is a provision in this bill that will enable the modification of B-2 Stealth bombers so that they can drop what is called a bunker buster or massive ordnance penetrators, as they are called, that would go to destroy deep underground targets. Every defense analyst who has been interviewed about this item has suggested that there is one reason and one reason only why this request was expedited by the administration, and that is to retrofit these B-2

bombers so they will be able to drop 30,000-pound bombs on Iran.

Now, I know there are Members of this House who would, perhaps, support a strike against Iran. I don't. I think diplomacy is the preferred path here.

But I think that if we are looking at this item that is number 70 on page 289, we cannot approve of this without thinking of the consequences of the administration's approach. Because if you drop 30,000-pound bombs, bunker busters, on nuclear research labs, this is, in effect, creating a humanitarian and ecological disaster. There is just no way to avoid it, because you are



talking about the release of radiation that's inevitable from dropping such a bomb.

Now, some could say, well, that's the idea. It cannot be the idea. We are talking about a war crime in motion here. This would have the effect of, perhaps, Chernobyl, which released radiation and ruined, poisoned land in Russia. It would have human health effects that would be catastrophic.

We have got to think about the implications of this particular item. I think it's really important that Congress reflect on it. That's why I oppose the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question, so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction-Veterans Affairs Appropriations Act.

As Mr. WICKER explained just a few minutes ago, the House passed the veterans and military funding bill on June 15 by a vote of 409-2, with the Senate following suit and naming conferees on September 6. Unfortunately, the majority leadership in the House has refused to move the Military Construction-Veterans Affairs appropriations bill. They have even refused to name conferees.

Why has the majority decided to hold off on moving this bill that has such a bipartisan support? Well, according to several publications, including Roll Call, the majority intends to hold off sending appropriations bills to the President so that they can use an upcoming anticipated veto of the Labor-HHS appropriations bill to serve as, and I quote, an extension of their successful public relations campaign on the SCHIP program.

Unfortunately, that evidently political move failed yesterday when the Senate removed the Military Construction and Veterans Affairs Appropriations Act from the Labor-HHS bill.

□ 1245

Recently, Republican Leader BOEHNER took a step toward naming House Republican conferees. Now the Speaker of the House must follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Every day that the majority chooses not to act on this bill, our Nation's veterans lose \$18.5 million. Our veterans, Mr. Speaker, deserve better than partisan gamesmanship holding their funding back.

I urge my colleagues to move this important legislation, to allow it to move, and oppose the previous question.

Mr. Speaker, at this time I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I urge a "yes" vote on the previous question and on the rule, and I yield back the balance of my time and move the previous question on the resolution.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 806 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the

Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 19, as follows:

[Roll No. 1062]

YEAS—217

Abercrombie	Cooper	Hall (NY)
Ackerman	Costa	Hare
Allen	Costello	Harman
Altmire	Courtney	Hastings (FL)
Andrews	Cramer	Herseth Sandlin
Arcuri	Crowley	Higgins
Baca	Cummings	Hill
Baird	Davis (AL)	Hinchee
Baldwin	Davis (CA)	Hinojosa
Bean	Davis (IL)	Hirono
Becerra	Davis, Lincoln	Hodes
Berkley	DeFazio	Holden
Berman	DeGette	Holt
Berry	Delahunt	Honda
Bishop (GA)	DeLauro	Hooley
Bishop (NY)	Dicks	Hoyer
Blumenauer	Dingell	Inslee
Boswell	Doggett	Israel
Boucher	Doyle	Jackson (IL)
Boyd (FL)	Edwards	Jackson-Lee
Boyda (KS)	Ellison	(TX)
Brady (PA)	Emanuel	Jefferson
Brown, Corrine	Engel	Johnson (GA)
Butterfield	Eshoo	Johnson, E. B.
Capps	Etheridge	Jones (OH)
Capuano	Farr	Kagen
Cardoza	Fattah	Kanjorski
Carnahan	Filner	Kaptur
Castor	Frank (MA)	Kennedy
Chandler	Gillibrand	Kildee
Clarke	Gonzalez	Kilpatrick
Clay	Gordon	Kind
Cleaver	Green, Al	Klein (FL)
Clyburn	Green, Gene	Kucinich
Cohen	Grijalva	Lampson
Conyers	Gutierrez	Langevin

Larsen (WA)	Obey	Slaughter	Sullivan	Upton	Westmoreland	McIntyre	Rodriguez	Tauscher
Larson (CT)	Olver	Smith (WA)	Tancredo	Walberg	Whitfield	McNerney	Ross	Taylor
Lee	Ortiz	Snyder	Terry	Walden (OR)	Wickler	McNulty	Roybal-Allard	Thompson (CA)
Lewis (GA)	Pallone	Solis	Thornberry	Walsh (NY)	Wilson (SC)	Meek (FL)	Ruppersberger	Thompson (MS)
Lipinski	Pascarell	Space	Tiahrt	Wamp	Wolf	Meeks (NY)	Rush	Tierney
Loeb sack	Pastor	Spratt	Tiberi	Weldon (FL)	Young (AK)	Melancon	Ryan (OH)	Towns
Lofgren, Zoe	Payne	Stark	Turner	Weller	Young (FL)	Michaud	Salazar	Tsongas
Lowe	Perlmutter	Stupak				Miller (NC)	Sánchez, Linda	Udall (CO)
Lynch	Peterson (MN)	Sutton				Miller, George	T.	Udall (NM)
Mahoney (FL)	Pomeroy	Tanner	Boren	Hunter	Miller (FL)	Mitchell	Sanchez, Loretta	Van Hollen
Maloney (NY)	Price (NC)	Tauscher	Braley (IA)	Jindal	Moran (VA)	Mollohan	Sarbanes	Velázquez
Markey	Rahall	Taylor	Buyer	LaHood	Oberstar	Moore (KS)	Schakowsky	Visclosky
Marshall	Rangel	Thompson (CA)	Carson	Lantos	Rothman	Moore (WI)	Schiff	Walsh (NY)
Matheson	Reyes	Thompson (MS)	Cubin	Levin	Wexler	Moran (VA)	Schwartz	Walz (MN)
Matsui	Richardson	Tierney	Cuellar	Lungren, Daniel	Wilson (NM)	Murphy, Patrick	Scott (GA)	Wamp
McCarthy (NY)	Rodriguez	Towns	Giffords	E.		Murtha	Scott (VA)	Wasserman
McCollum (MN)	Ross	Tsongas				Nadler	Serrano	Schultz
McDermott	Roybal-Allard	Udall (CO)				Napolitano	Sestak	Waters
McGovern	Ruppersberger	Udall (NM)				Neal (MA)	Shea-Porter	Watson
McIntyre	Rush	Van Hollen				Obey	Sherman	Watt
McNerney	Ryan (OH)	Velázquez				Olver	Shuler	Waxman
McNulty	Salazar	Visclosky				Ortiz	Sires	Weiner
Meek (FL)	Sánchez, Linda	Walz (MN)				Pallone	Skelton	Welch (VT)
Meeks (NY)	T.	Wasserman				Pascarell	Slaughter	Weldon (FL)
Melancon	Sanchez, Loretta	Schultz				Pastor	Smith (WA)	Whitfield
Michaud	Sarbanes	Waters				Payne	Snyder	Wicker
Miller (NC)	Schakowsky	Watson				Perlmutter	Soils	Wilson (OH)
Miller, George	Schiff	Watt				Peterson (MN)	Space	
Mitchell	Schwartz	Waxman				Pomeroy	Spratt	Woolsey
Mollohan	Scott (GA)	Weiner				Price (NC)	Stark	Wu
Moore (KS)	Scott (VA)	Welch (VT)				Rahall	Stupak	Wynn
Moore (WI)	Serrano	Wilson (OH)				Rangel	Sullivan	Yarmuth
Murphy (CT)	Sestak	Woolsey				Reyes	Sutton	Young (FL)
Murphy, Patrick	Shea-Porter	Wu				Richardson	Tanner	
Murtha	Sherman	Wynn						
Nadler	Shuler	Yarmuth						
Napolitano	Sires							
Neal (MA)	Skelton							

## NAYS—196

Aderholt	English (PA)	McCotter
Akin	Everett	McCrery
Alexander	Fallin	McHenry
Bachmann	Feeney	McHugh
Bachus	Ferguson	McKeon
Baker	Flake	McMorris
Barrett (SC)	Forbes	Rodgers
Barrow	Fortenberry	Mica
Bartlett (MD)	Fossella	Miller (MI)
Barton (TX)	Fox	Miller, Gary
Biggart	Franks (AZ)	Moran (KS)
Bilbray	Frelinghuysen	Murphy, Tim
Bilirakis	Gallegly	Musgrave
Bishop (UT)	Garrett (NJ)	Myrick
Blackburn	Gerlach	Neugebauer
Blunt	Gilchrest	Nunes
Boehner	Gingrey	Paul
Bonner	Gohmert	Pearce
Bono	Goode	Pence
Boozman	Goodlatte	Peterson (PA)
Boustany	Granger	Petri
Brady (TX)	Graves	Pickering
Broun (GA)	Hall (TX)	Pitts
Brown (SC)	Hastert	Platts
Brown-Waite,	Hastings (WA)	Poe
Ginny	Hayes	Porter
Buchanan	Heller	Price (GA)
Burgess	Hensarling	Pryce (OH)
Burton (IN)	Herger	Putnam
Calvert	Hobson	Radanovich
Camp (MI)	Hoekstra	Ramstad
Campbell (CA)	Hulshof	Regula
Cannon	Inglis (SC)	Rehberg
Cantor	Issa	Reichert
Capito	Johnson (IL)	Renzi
Carney	Johnson, Sam	Reynolds
Carter	Jones (NC)	Rogers (AL)
Castle	Jordan	Rogers (KY)
Chabot	Keller	Rogers (MI)
Coble	King (IA)	Rohrabacher
Cole (OK)	King (NY)	Ros-Lehtinen
Conaway	Kingston	Roskam
Crenshaw	Kirk	Royce
Culberson	Kline (MN)	Ryan (WI)
Davis (KY)	Knollenberg	Sali
Davis, David	Kuhl (NY)	Saxton
Davis, Tom	Lamborn	Schmidt
Deal (GA)	Latham	Sensenbrenner
Dent	LaTourette	Sessions
Diaz-Balart, L.	Lewis (CA)	Shadegg
Diaz-Balart, M.	Lewis (KY)	Shays
Donnelly	Linder	Shimkus
Doolittle	LoBiondo	Shuster
Drake	Lucas	Simpson
Dreier	Mack	Smith (NE)
Duncan	Manzullo	Smith (NJ)
Ehlers	Marchant	Smith (TX)
Ellsworth	McCarthy (CA)	Souder
Emerson	McCaul (TX)	Stearns

## NOT VOTING—19

Boren	Hunter	Miller (FL)
Braley (IA)	Jindal	Moran (VA)
Buyer	LaHood	Oberstar
Carson	Lantos	Rothman
Cubin	Levin	Wexler
Cuellar	Lungren, Daniel	Wilson (NM)
Giffords	E.	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1310

Mr. CARNEY changed his vote from “yea” to “nay.”

Mr. MARKEY changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 184, not voting 22, as follows:

[Roll No. 1063]

## AYES—226

Abercrombie	Davis (CA)	Honda
Allen	Davis (IL)	Hooley
Altmire	Davis, Lincoln	Hoyer
Andrews	Davis, Tom	Inslee
Arcuri	DeFazio	Israel
Baca	DeGette	Jackson (IL)
Baldwin	Delahunt	Jackson-Lee
Barrow	DeLauro	(TX)
Bean	Dicks	Jefferson
Becerra	Dingell	Johnson (GA)
Berkley	Doggett	Johnson, E. B.
Berman	Doyle	Jones (OH)
Berry	Edwards	Kagen
Bishop (GA)	Ellison	Kanjorski
Bishop (NY)	Emanuel	Kaptur
Blumenauer	Engel	Kennedy
Boswell	Eshoo	Kildee
Boucher	Etheridge	Kilpatrick
Boyd (FL)	Farr	Kind
Boyd (KS)	Fattah	Kingston
Brady (PA)	Filner	Klein (FL)
Brown, Corrine	Frank (MA)	Kucinich
Butterfield	Frelinghuysen	Lampson
Capps	Gillibrand	Langevin
Capuano	Gonzalez	Larsen (WA)
Cardoza	Gordon	Larson (CT)
Carnahan	Green, Gene	Lee
Castor	Grijalva	Lewis (GA)
Clarke	Gutierrez	Lipinski
Clay	Hall (NY)	Loeb sack
Cleaver	Hare	Lofgren, Zoe
Cleburn	Harman	Lowe
Cohen	Hastings (FL)	Lynch
Conyers	Herseth Sandlin	Mahoney (FL)
Cooper	Higgins	Maloney (NY)
Costa	Hill	Markey
Costello	Hinchey	Marshall
Courtney	Hinojosa	Matheson
Cramer	Hirono	Matsui
Crowley	Hobson	McCarthy (NY)
Cuellar	Hodes	McCollum (MN)
Cummings	Holden	McDermott
Davis (AL)	Holt	McGovern

## NOES—184

Aderholt	Ferguson	Moran (KS)
Akin	Flake	Murphy, Tim
Alexander	Forbes	Musgrave
Bachmann	Fortenberry	Myrick
Bachus	Fossella	Neugebauer
Baird	Fox	Nunes
Baker	Franks (AZ)	Paul
Barrett (SC)	Gallegly	Pearce
Bartlett (MD)	Garrett (NJ)	Pence
Barton (TX)	Gerlach	Peterson (PA)
Biggart	Gilchrest	Petri
Bilbray	Gingrey	Pickering
Bilirakis	Gohmert	Pitts
Bishop (UT)	Goode	Platts
Blackburn	Goodlatte	Poe
Blunt	Granger	Porter
Boehner	Graves	Price (GA)
Bonner	Hall (TX)	Pryce (OH)
Bono	Hastert	Putnam
Boozman	Hastings (WA)	Radanovich
Boustany	Hayes	Ramstad
Brady (TX)	Heller	Regula
Broun (GA)	Hensarling	Rehberg
Brown (SC)	Herger	Reichert
Brown-Waite,	Hoekstra	Renzi
Ginny	Hulshof	Reynolds
Buchanan	Inglis (SC)	Rogers (AL)
Burgess	Issa	Rogers (KY)
Burton (IN)	Johnson (IL)	Rogers (MI)
Calvert	Johnson, Sam	Rohrabacher
Camp (MI)	Jones (NC)	Ros-Lehtinen
Campbell (CA)	Jordan	Roskam
Cannon	Keller	Royce
Cantor	King (IA)	Ryan (WI)
Capito	King (NY)	Sali
Carney	Kirk	Saxton
Carter	Kline (MN)	Schmidt
Castle	Knollenberg	Sensenbrenner
Chabot	Kuhl (NY)	Sessions
Coble	Lamborn	Shadegg
Cole (OK)	Latham	Shays
Conaway	LaTourette	Shimkus
Crenshaw	Lewis (CA)	Shuster
Culberson	Lewis (KY)	Smith (NE)
Davis (KY)	Linder	Smith (NJ)
Davis, David	LoBiondo	Smith (TX)
Davis, Tom	Lucas	Souder
Deal (GA)	Mack	Stearns
Dent	Manzullo	Tancred
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	McCarthy (CA)	Thornberry
Donnelly	McCaul (TX)	Tiahrt
Doolittle	McCotter	Tiberi
Drake	McCrery	Turner
Dreier	McHenry	Upton
Duncan	McHugh	Walberg
Ehlers	McKeon	Walden (OR)
Ellsworth	McMorris	Weller
Emerson	Rodgers	Westmoreland
English (PA)	Everett	Mica
Fallin	Miller (MI)	Wilson (SC)
Feeney	Miller, Gary	Wolf
		Young (AK)

## NOT VOTING—22

Ackerman	Green, Al	Miller (FL)
Boren	Hunter	Murphy (CT)
Braley (IA)	Jindal	Oberstar
Buyer	LaHood	Rothman
Carson	Lantos	Simpson
Chandler	Levin	Wexler
Cubin	Lungren, Daniel	Wilson (NM)
Giffords	E.	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1317

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on H. Res. 806, the Rule providing for consideration of the conference report to accompany H.R. 3222, making appropriations for the Department of Defense for fiscal year ending September 30, 2008, and for other purposes (rollcall 1063). Had I been present I would have voted "aye" on rollcall 1063.

## PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall Nos. 1062 and 1063, I was unavoidably detained. Had I been present, I would have voted "no" on both votes.

Mr. MURTHA. Mr. Speaker, pursuant to House Resolution 806, I call up the conference report on the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 806, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 6, 2007, at page H12814.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

## GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Speaker, this bill provides for a 3.5 percent pay raise for military personnel. It rejects the President's proposed increase in TRICARE copays and funds TRICARE by \$1.9 billion, appropriates \$2.6 billion to provide our military families with the immediate need for more counselors, teachers and child care providers. It also looks to the future.

The bill provides \$938 billion above the President's request for advance

construction funding for additional ships, provides an additional \$980 million to purchase essential National Guard and Reserve equipment. We're looking beyond Iraq, trying to take care of any threat that may threaten this country in the future.

## CONFERENCE AGREEMENT TOTALS AND OVERVIEW

The President requested \$463.1 billion in total FY 2008 new budget authority for the Department of Defense and intelligence community programs that fall under the purview of the Defense Subcommittee. This is an increase of \$43.3 billion over last year's enacted level—a 10.3 percent increase in nominal terms. The lion's share of the increase over FY 2007 (some 80 percent) was allocated to operation and maintenance and procurement programs.

The conference agreement meets the budget authority allocation of \$459.6 billion for FY 2008. This figure is a little more than \$3.5 billion below the President's budget request. Nonetheless, the conference agreement provides an increase for Defense of \$39.7 billion over the FY 2007 enacted level, or about 9.5 percent in nominal growth.

The House bill shifted funding for certain programs between the FY 2008 base budget bill and the FY 2008 war supplemental in order to meet the budget authority allocation. However, because consideration of the FY 2008 supplemental has been delayed, some items deferred in the House bill have been restored to the base bill in the conference agreement to prevent production gaps and other consequences that might arise if funding were delayed until next May. This largely affected appropriations for the Department's operation and maintenance activities and ammunition procurement accounts. The House bill recommended an overall reduction to the operation and maintenance accounts of some \$5.7 billion below the request. The conference agreement includes a total reduction of \$2.8 billion. Nonetheless, the conference agreement fully funds home-station training, equipment maintenance, and other key military readiness programs covered in these accounts.

Meeting the allocation also required deferring consideration of several high profile programs until the FY 2008 war supplemental is taken up. These include:

The Air Force Reserve Basic Allowance for Housing shortfall

War-Related Special Pays—Hostile Fire Pay, Hardship Duty Pay, Foreign Language Proficiency Pay.

The ground forces' strategic reserve readiness and equipment rehabilitation.

Funding for additional Stryker vehicles (\$1.1 billion).

The purchase of at least 10 C-17 cargo aircraft (\$2.9 billion).

The purchase of additional Black Hawk MEDEVAC helicopters.

The Department's Global Train and Equip program.

## HIGHLIGHTS

The conference agreement achieves a balance between preparing units for near-term deployments, supporting our military members and their families, and modernizing our forces to meet future threats. Highlights of the agreement are:

Supporting Our Troops and Their Families: First and foremost, the conference agreement recommends robust funding for programs im-

portant to the health, well-being, and readiness of our forces. In addition, the agreement proposes several initiatives that address issues raised by troops, their families, and Department of Defense officials in testimony before the Committee and visits to military bases in the United States and overseas.

The conference agreement includes funding of about \$2.2 billion to cover the full cost of a 3.5 percent military pay raise, supported by both the House and Senate version of the Fiscal Year 2008 National Defense Authorization bill.

Under their "grow-the-force" initiatives, the Army and Marine Corps propose to add 7,000 and 5,000 new troops, respectively. The personnel costs of these increases are fully covered in the conference agreement, as are the associated equipping and outfitting costs. For the Army the equipping costs for these new troops amount to more than \$4 billion; for the Marines the costs exceed \$2 billion.

Home-stationing training, optempo, and flying-hour costs are funded at robust levels. All told, the conference agreement provides for a 19 percent increase in funding for these activities over last year's level. Home station training dollars increase by 32 percent and 45 percent for Army and Marine Corps respectively.

The military services' force structure and basing infrastructure are in a state of transition. The Army, in particular, has been forced to manage significant changes in force structure (known as Army Modularity), base closures, and a global repositioning of forces, all while meeting the demands of war. Based on detailed information provided by the Army, the conference agreement includes a House initiative to assist the service in meeting this challenge. The conference agreement adds \$615.7 million to the Army's facilities sustainment and restoration budget request to offset the growing infrastructure costs associated with the global repositioning of its forces. This funding, however, will only partially cover the Army's needs. It will be necessary to address additional infrastructure requirements of approximately \$686 million in operation and maintenance costs and over a billion in military construction costs during consideration of the FY 2008 emergency supplemental request.

The conference agreement also includes a House initiative to directly respond to the needs of our military families. Total funding of \$2.6 billion is recommended for the military's family advocacy programs, childcare centers, and dependent's education programs. This amount is an increase of \$237 million over the Administration's request, with most of the increase allocated to DoD's family advocacy programs. This program provides counseling, education, and support to military families affected by the demands of war and episodes of child or spouse abuse.

The agreement includes several initiatives and additional funding to address health care issues raised over the past year, including improving the Department's electronic medical records and fostering better coordination between DoD and the Department of Veterans Affairs, enhancing preventative medicine programs, and advancing military medical research. Also, the conference agreement fully covers the \$1.9 billion shortfall in health funding created by the disapproval of DoD's proposed fee and premium increases.

Preparing for the Future: The conference agreement provides robust funding for weapons systems purchases and research programs designed to meet future threats.

The conference agreement supports full funding, as requested, for the F-22 tactical fighter aircraft procurement programs.

The conference agreement includes increases above the President's request allocated for development programs that address so-called "asymmetric" threats from weapons of mass destruction and cruise missiles. Additional funding of \$10 million is provided to pursue cruise missile defense, \$20 million for chemical and biological defense research programs, \$21 million to improve fissile material detection systems, and \$50 million for the Former Soviet Union Threat Reduction account to counter weapons proliferation and chemical/biological agents. Finally, the conferees agreed to add \$100 million to improve U.S. space situational awareness in light of the Chinese anti-satellite missile test in January of this year.

To support the Army's evolution to a larger, more lethal, and more rapidly deployable force, the conference agreement recommends \$3.4 billion for continued development of Future Combat Systems, a cut of slightly more than \$200 million, \$925 million for additional Stryker vehicles, and full funding for procurement of four Joint Cargo Aircraft.

Testimony before the committee revealed that our National Guard and Reserve forces continue to suffer from equipment shortfalls. To address this need the conference agreement recommends providing an additional \$980 million to purchase Guard and Reserve equipment. These additional funds will enhance these forces' ability to meet overseas deployment demands, and respond to natural disasters here at home.

**Economic Stability:** Fostering economic stability in DoD's weapons modernization programs has been a consistent theme of the Committee. As such, the conference agreement includes a series of recommendations that will help stabilize certain programs by adding funds and/or adjusting procurement or development schedules.

The Navy's shipbuilding program has been beset by planning and resource instability for many years, resulting in ever-increasing costs to the American taxpayer. Clearly, at current production rates and price levels, the Navy will be unable to meet its force structure requirements in the future. The conferees respond by providing advance procurement funding for an additional five ships. To purchase these ships or to initiate planning and construction, the conference agreement provides an additional \$938 million above the Navy's request for shipbuilding and sealift.

The success of the Department's Joint Strike Fighter, F-35, program is critical to our nation's ability to field a modern, capable fighter aircraft fleet for decades to come. To maintain stability in this program—and limit the potential for cost increases over time—the conference agreement recommends an increase of \$200 million for F-35 production enhancements. These funds are to be used to outfit facilities with the latest in production line equipment and work-flow technology. In addition, the conference agreement recommends adding \$480 million to continue development of an alternative engine for this aircraft, thereby ensuring a competitive base for engine produc-

tion. The conference agreement reduces the JSF budget request by \$266 million to account for payments the program will receive in fiscal year 2008 for double billing by the contractor. This reduction does not adversely affect the aircraft production schedule.

**Accountability:** The Committee's fiduciary responsibility to the American taxpayer requires holding accountable organizations, officials, and programs that have performed poorly. The conference agreement focuses attention on the following issues:

**Fiscal discipline:** The conference agreement affirms several important House initiatives to improve DoD's fiscal discipline and Congressional oversight. (These are described in an appendix to this memorandum.)

**Contracting Out:** The conference report also includes recommendations to adequately manage and oversee the growth in and cost-effectiveness of contracting out. (These are described in an appendix to this memo.)

**Basic research:** The conference agreement includes a 35 percent cap on the amount of overhead charges that can be charged on a basic research grant or contract.

#### SUMMARY OF RECOMMENDATIONS BY TITLE

##### *Military personnel*

The conference agreement provides \$105.3 billion for military personnel pay and benefits accounts, a slight decrease of \$111 million to the President's FY 2008 request, but an increase of \$5.4 billion over the FY 2007 level.

The military personnel pay raise of 3.5 percent is funded at \$2.2 billion. This rate is 0.5 percent greater than the President requested. Also, the conference agreement includes \$2.4 billion for retention bonuses and recruiting incentives.

The conference agreement increases the Basic Allowance for Housing, BAH, 4.2 percent to \$15 billion, which is \$1.6 billion over the projected FY 2007 enacted level. This continues to ensure no out-of-pocket expenses for service personnel and supports the privatization of housing units for military families.

Army end-strength is increased by 7,000 in the conference agreement, to a total of 489,400, or \$5.7 billion over the FY 2007 enacted budget amount. The conferees increase and fully fund Marine Corps end-strength by 5,000 to a total of 180,000.

The Navy and Air Force, on the other hand, will continue to reduce their manpower levels. Navy plans to cut 12,300 in 2007; Air Force intends to reduce their force by about 5,600. The conference agreement includes a mandated review of Air Force end-strength requirements.

The conference agreement assumes the Special Operations Command will grow to a level of about 54,250 personnel, up about 6,400 over FY 2007 levels. By FY 2013, the Command projects its end-strength to grow to about 59,000.

##### *Operation and maintenance*

The conference agreement provides a total of \$140.1 billion for operation and maintenance accounts, a decrease of \$2.8 billion from the request, but an increase of \$12.8 billion or 10 percent over the FY 2007 baseline O&M enacted level.

The conference agreement makes significant reductions to the military services' O&M accounts, particularly the Army and Air Force, for the following reasons:

Unjustified growth over FY 2007 funding levels, beyond amounts necessary to fully fund all training, optempo, and maintenance activities.

Excessive buildups of spare parts inventories.

Excess cash in working capital funds, beyond levels necessary to ensure cash flow.

The conference agreement fully funds a 3 percent civilian pay raise, which is scheduled to take effect January 1, 2008.

##### *Procurement and R&D*

Procurement is funded at \$98.2 billion, \$1.4 billion below the request and the House bill. This is still an increase of 21 percent, the largest percentage increase of all the major accounts in the DoD budget. R&D is funded at a total of \$77.3 billion, about \$2.1 billion more than requested. Of note, the conference agreement provides funding for shipbuilding that totals \$15 billion. This funding allows for the procurement of 5 ships and advance construction funding for an additional 5 ships above the President's request.

Funding of \$3.9 billion is provided to fund the purchase of 20 F-22 aircraft, as requested. Additionally, the conference agreement recommends \$2.7 billion for the procurement of 12 F-35 Joint Strike Fighter aircraft and \$2.0 billion for the procurement of 24 F/A-18E/F aircraft.

The conference agreement includes \$99 million for modifications to the Air Force's combat search and rescue platform, the HH-60.

Funding for the Missile Defense Agency decreases to \$8.6 billion from last year's level of \$9.4 billion.

##### *Defense Health Program*

The Defense Health Program is funded at \$23.5 billion, an increase of \$0.9 billion above the President's request.

Major increases for this activity include: \$70 million for the Wounded Warrior Assistance program; \$138 million for peer reviewed breast cancer research; \$80 million for prostate cancer research; and \$10 million for ovarian cancer research.

HIV/AIDS research and prevention programs receive a total increase of \$16 million in the conference agreement.

The conference agreement includes \$50 million for the Congressionally Directed Medical Research Program.

The conference agreement also includes \$379 million to cover the "efficiency wedge" shortfall.

##### *Special Operations Command*

The conference agreement for the Special Operations Command is \$5.5 billion, a slight increase to the President's request. This amount includes \$3.3 billion for operation and maintenance, a reduction of \$23 million from the President's request based on past obligations data and other reductions provided by the Command.

For procurement, the conferees recommend \$1.8 billion, a decrease of \$50 million from the request. This reduction includes a decrease of \$23 million for equipment and modifications associated with one CV-22; the agreement provides that funding for one of the five mods requested can slip based on the ability of the contractor to outfit the aircraft. The conference agreement also includes a \$19 million reduction for C-130 modifications associated with the 30 mm weapons program and problems

assimilating this weapon onto the C-130. Within the funding provided, an increase of \$17 million is included for SPEAR body armor and eye protection.

Finally, for R&D the conference agreement includes \$450 million, an increase of \$5 million above the request. Within this amount, an increase of \$5 million is provided for an ongoing Special Ops/Navy joint program to improve UAV systems. This initiative is a high priority of the House Armed Services Committee.

#### NOTABLE GENERAL PROVISIONS

A provision is included allowing the Department of Defense general transfer authority of \$3.7 billion. The Department requested transfer authority of \$5 billion.

The conference agreement includes a general provision limiting the amount of reimbursable indirect costs on a basic research contract to not more than 35 percent of the total cost of the contract.

A new provision is included permitting a competitive expansion of domestic VIM/VAR steel production capacity.

A provision is retained from previous Defense Appropriations acts which prohibits the sale of F-22 fighters to foreign countries.

A provision is included appropriating \$10 million for Fisher Houses.

Funds are provided to the joint U.S.-Israeli Arrow missile defense system in a general provision. Also, funds are added for a study of future Israeli missile defense requirements.

A new provision is included which prohibits the Department from initiating new programs through reprogramming requests, as proposed by the House.

Another new provision proposed by the House is included which establishes a separate "major force program" budget and program designation for DoD's space programs. This will improve the Committee's oversight of these activities.

The conference agreement includes two provisions restricting the establishment of permanent bases in Iraq and prohibiting torture as carried in the House bill. These provisions are consistent with existing law.

The conference agreement includes a provision restricting the payment of any award fees to contractors who fail to meet contractual requirements.

#### SELECTED WEAPONS SYSTEMS COMMITTEE RECOMMENDATIONS FOR FY 2008

[\$ Millions]

Program	2008 Request		2008 Conference	
	(Qty)	\$	(Qty)	\$
Army Black Hawk helicopter .....	(42)	705	(42)	705
Army Apache helicopter .....	(36)	712	(36)	712
Armed Reconnaissance helicopter .....	(37)	468	(12)	176
Navy MH-60R (Black Hawk var.) .....	(27)	998	(27)	998
Navy MH-60S (Black Hawk var.) .....	(18)	503	(18)	503
Navy F/A-18 E/F fighter a/c .....	(24)	2,104	(24)	2,089
Navy EA-18G a/c .....	(18)	1,319	(18)	1,317
Air Force C-17 airlift a/c .....	.....	261	.....	261
Air Force F-22 fighter a/c .....	(20)	3,153	(20)	3,153
Air Force C-130J cargo a/c .....	(9)	686	(9)	686
Navy KC-130J tanker a/c .....	(4)	258	(4)	254
Joint Strike Fighter (R&D) .....	.....	3,488	.....	3,910
Joint Strike Fighter (Procurement) .....	(12)	2,411	(12)	2,411
Y-22 airlift a/c .....	(26)	2,693	(26)	2,670
Air Force Unmanned Aerial Vehicles				
Global Hawk .....	(5)	514	(5)	514
Predator .....	(24)	278	(24)	278
Reaper .....	(4)	58	(4)	58
CVN-21 Aircraft Carrier .....	(1)	2,848	(1)	2,828
DDG-1000 Destroyer .....	.....	2,954	.....	2,927
Littoral Combat Ship .....	(3)	910	(1)	339
LPD-17 amphibious ship .....	(1)	1,399	(2)	1,392
LPD-17 amphibious ship (AP) .....	.....	0	.....	50
Virginia Class submarine .....	(1)	2,499	(1)	3,087
T-AKE auxiliary ship .....	(1)	456	(1)	456
T-AKE auxiliary ship (AP) .....	.....	0	(3)	300

#### SELECTED WEAPONS SYSTEMS COMMITTEE RECOMMENDATIONS FOR FY 2008—Continued

[\$ Millions]

Program	2008 Request		2008 Conference	
	(Qty)	\$	(Qty)	\$
LHA(R) amphibious ship .....	(1)	1,377	.....	1,375
Army Future Combat System (R&D) .....	.....	3,563	.....	3,357
Army Stryker armored vehicle .....	(127)	1,039	(104)	925
Army Joint Cargo Aircraft .....	(4)	157	(4)	157
Evolved Expendable Launch Vehicle .....	(5)	1,167	(4)	1,102
Missile warning satellites:				
Space-based Infrared satellite .....	.....	1,066	.....	985
Alternative Infrared Space System .....	.....	231	.....	75
Communications satellites:				
Transformational satellite .....	.....	964	.....	814
Advanced EHF .....	.....	604	.....	729
Wideband Gapfiller .....	(1)	345	(1)	345
Global Positioning System:				
GPS III .....	.....	587	.....	487
GPS Extension .....	.....	81	.....	35
GPS User Equipment .....	.....	93	.....	156
Missile Defense:				
Missile Defense Agency .....	.....	8,796	.....	8,611
Patriot missiles and MEADS .....	(108)	845	(108)	845
Total .....	.....	9,641	.....	9,456

#### APPENDIX

Sections in the committee report regarding fiscal management and contracting out agreed to in the Conference Report.

#### Fiscal Management

For some time now, the Committee has expressed considerable concern over an erosion of DoD's fiscal discipline. That erosion is reflected primarily in the Department's use of emergency supplemental funding to cover what were once considered to be base budget costs, particularly weapons modernization and force structure costs. The conference agreement begins restoring traditional funding criteria to these respective appropriations matters. Recommendations in the conference agreement focus on non-incremental war costs and preparing for future threats by funding enduring personnel benefits, force structure initiatives (such as Army modularity and "Grow-the-Force" programs), infrastructure improvements, home-station training, and weapons modernization programs. Deliberations on the fiscal year 2008 war supplemental, however, will be tailored to funding those programs and incremental costs that are arguably related to the war efforts. Satisfying these criteria requires the shifting of funds between the base bill and supplemental requests.

To ensure that sound budgetary and fiscal procedures are reinvigorated, the conference agreement recommends a general provision (GP 8106) that requires the Department to include all funding for both non-war and war-related activities in the President's fiscal year 2009 annual Defense budget request.

PPBS. For over 40 years, the Department of Defense followed the Planning, Programming and Budgeting System (PPBS) as the process for assessing and prioritizing requirements and allocating resources. The PPBS process established long-range national security planning objectives, analyzed the costs and benefits of alternative programs that would meet those objectives, and translated programs into budget proposals. The improvements that PPBS offered over previous budgeting processes were that: (1) It emphasized objectives, focusing less on changes from the prior-year budget and more on long-term objectives, and (2) it linked planning and budgeting. PPBS instilled a process that clearly defined a procedure for distributing available resources equitably among competing programs.

Beginning in 2003, the PPBS process has been significantly altered, splintering planning into two phases and requiring that the program and budget reviews occur simultaneously. The process changes were ill-conceived and have had significant and lasting adverse implications. Today, sequential steps to plan adequately or refine a plan into budget-level detail do not exist. Further, simultaneous program and budget review eliminated the inherent discipline in the process which forced resource allocation decisions to occur deliberately, resulting in unnecessary confusion and wasted effort.

Accordingly, the Committee recommends that the Secretary of Defense institute a process for assessing and prioritizing requirements and allocating resources which is supportive of thorough, deliberative program and budget review and more fully utilize the efforts of the dedicated and talented DoD civil servants. The conference agreement includes several directions to address the budget execution process within the Department, as discussed below.

Re-baselining. The conference agreement directs the Department to cease the reallocation of funds through a re-baselining procedure, and further directs the Department to comply fully with the reprogramming procedures contained in the Statement of Managers.

Base for Reprogramming Actions.—In the House report it was noted that the Department was not able to provide in a timely manner the Base for Reprogramming Actions report, or DD form 1414, for the current fiscal year. The conference agreement includes a provision (GP 8006) that requires the Department to submit the DD 1414 within 60 days after the enactment of the Act. In addition, the provision prohibits the Department from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the Committees of Appropriations of the Senate and the House of Representatives.

New starts.—The conference agreement includes a general provision, proposed by the House, that prohibits the initiation of a new start program through a reprogramming of funds unless such program must be undertaken immediately in the interest of national security and only after written notification by the Office of the Secretary of Defense.

General transfer authority (GTA).—The conference agreement includes a general provision, consistent with previous appropriations Acts, providing for the transfer of funds for higher priority items, based on unforeseen military requirements than those for which originally appropriated. This authority has been included annually to respond to unanticipated requirements that were not known at the time the budget was developed and after which time appropriations were enacted. This authority has grown significantly over the past several years, from \$2,000,000,000 in fiscal years 1997 through 2001, rising precipitously in fiscal year 2005 to \$6,185,000,000. In fiscal year 2007, the GTA was \$4,500,000,000 and the Department has requested \$5,000,000,000 in GTA for fiscal year 2008. While the waging of war certainly has increased the need for flexibility in executing the Department's resources, the Committee fears that the Department has come to rely on reprogramming and transfer authority in lieu of a thoughtful and deliberative budget formulation and fiscal management process. In an effort to restore fiscal

management to the Department, while allowing for the flexibility in executing appropriations for a nation at war, the conference agreement recommends for fiscal year 2008 general transfer authority of \$3,700,000,000.

Reprogrammings for operation and maintenance accounts.—Beginning in fiscal year 2008, the conference agreement imposes new accountability and reprogramming guidelines for programs, projects and activities within the Operation and Maintenance appropriations.

*Contacted Services and Acquisition Management*

A year ago, the Committee expressed concern about the increasing costs of operating our military forces. To gain better insight about the factors generating an increase in operation and maintenance costs, the Committee directed, in House Report 109–504, that the GAO prepare a comprehensive analysis of contracting out services, as well as other factors that may be driving up costs. GAO found that between the years 2000 to 2005, the cost of O&M service contracts increased more than 73 percent. Over the same period, DoD civilian pay costs increased 28 percent, and total DoD pay costs went up by 34 percent. However, despite the growing and seemingly unconstrained reliance on contractors to accomplish DoD’s mission, no system of accountability for contract service cost or performance has been established.

Increased contractor oversight.—The conference agreement includes the House directive that the Department provide more robust staffing of contractor management and oversight personnel. Additional funds for DoD civilian personnel to provide enhanced contract-service management and oversight are approved, as shown below:

*Contract-service Management and Oversight*  
[\$ in millions]

	<i>Conference recommendation</i>
Defense Contract Audit Agency .....	+10.0
Defense Contract Management Com- mand .....	+14.0
Defense Inspector General .....	+24.0
Reimbursable GSA Assistance .....	—

Minimum Standards for Contracted Security Service Personnel.—DoD relies heavily on contracted security, both in the theaters of operation as well as at home. The Committee is particularly concerned that the oversight and administration of contracted security services is woefully inadequate. This lack of oversight seemingly has resulted in few, if any, operational standards and rules of engagement to which contracted security organizations and individuals must adhere. As such, the conferees direct the Secretary of Defense to develop, no later than 90 days after the passage of this Act, uniform minimum personnel standards for all contract personnel operating under contracts, subcontracts or task orders performing work that includes private security functions. The standards, at a minimum, must include determinations about contractors using personnel with criminal histories, must determine the eligibility of all private contract personnel to possess and carry firearms, and determine what assessments of medical and mental fitness of contracted security personnel must be undertaken. The Secretary of Defense should develop a mechanism for contract accountability that specifies consequences for noncompliance with the personnel standards, including fines, denial of contractual obligations or contract rescission.

Finally, the Secretary is directed to establish a clear set of rules of engagement for all contracted security personnel operating in the Iraq and Afghanistan theaters of operation. The Secretary shall submit the prescribed standards to the congressional defense committees once the 90-day period referenced above is completed.

Improving the Acquisition Workforce.—The conference agreement directs the Undersecretary of Defense for Acquisition, Technology, and Logistics to submit, within 90 days of enactment of this Act, a report to the congressional defense committees analyzing the current acquisition workforce personnel needs and the tools to recruit and retain a workforce best positioned to provide appropriate contract management and oversight of contractor performance.

Improvements in contract management need not take years to implement; rather, with intent leadership and executive attention, considerable efficiencies can be achieved in the near-term. Accordingly, the conference agreement reduces the Department’s funding requests for contracted services by two percent, recognizing contract service efficiencies and savings with enhanced oversight.

And lastly, I would like to thank my staff for their contributions: David Morrison, John Blazey, Ann Reese, Kevin Jones, Leslie Albright, Sarah Young, Kris Mallard, Paul Terry, Greg Lankler, Tim Prince, Paul Juola, Adam Harris, Linda Pagelsen, Sherry Young, Brooke Boyer, Linda Muir, John Shank, and Jennifer Miller.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2008 (H.R. 3222)  
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL 1/						
Military Personnel, Army.....	29,813,905	31,623,865	31,346,005	31,734,076	31,535,016	+1,721,111
Military Personnel, Navy.....	22,776,232	23,305,233	23,300,801	23,338,772	23,318,476	+542,244
Military Personnel, Marine Corps.....	9,174,714	10,278,031	10,269,914	10,291,831	10,280,180	+1,105,466
Military Personnel, Air Force.....	23,564,706	24,097,354	24,379,214	24,155,054	24,194,914	+630,208
Reserve Personnel, Army.....	3,364,812	3,734,620	3,629,620	3,672,440	3,684,610	+319,798
Reserve Personnel, Navy.....	1,755,953	1,797,685	1,776,885	1,801,985	1,790,136	+34,183
Reserve Personnel, Marine Corps.....	541,768	594,872	513,472	595,372	583,108	+41,340
Reserve Personnel, Air Force.....	1,335,838	1,370,479	1,365,679	1,368,897	1,363,779	+27,941
National Guard Personnel, Army.....	5,209,197	5,959,149	5,815,017	5,947,354	5,924,699	+715,502
National Guard Personnel, Air Force.....	2,325,752	2,642,410	2,621,169	2,616,560	2,617,319	+291,567
Total, title I, Military Personnel.....	99,862,877	105,403,698	105,017,776	105,522,341	105,292,237	+5,429,360
TITLE II						
OPERATION AND MAINTENANCE 1/						
Operation and Maintenance, Army.....	24,208,355	28,924,973	26,404,495	28,598,563	27,361,574	+3,153,219
Operation and Maintenance, Navy.....	30,954,034	33,334,690	32,851,468	33,150,380	33,087,650	+2,133,616
Operation and Maintenance, Marine Corps.....	3,811,437	4,961,393	4,471,858	5,061,649	4,792,211	+980,774
Operation and Maintenance, Air Force.....	30,458,947	33,655,633	31,613,981	32,599,333	32,176,162	+1,717,215
Operation and Maintenance, Defense-Wide.....	20,035,185	22,574,278	22,343,180	23,239,227	22,693,617	+2,658,432
Operation and Maintenance, Army Reserve.....	2,160,214	2,508,062	2,510,890	2,510,286	2,510,022	+349,808
Operation and Maintenance, Navy Reserve.....	1,275,764	1,186,883	1,144,454	1,187,151	1,148,083	-127,681
Operation and Maintenance, Marine Corps Reserve.....	209,036	208,637	207,087	208,688	208,637	-399
Operation and Maintenance, Air Force Reserve.....	2,617,601	2,692,077	2,684,577	2,816,103	2,815,417	+197,816
Operation and Maintenance, Army National Guard.....	4,711,362	5,840,209	5,893,843	5,800,933	5,764,858	+1,053,496
Operation and Maintenance, Air National Guard.....	5,009,178	5,041,965	5,021,077	5,471,745	5,468,710	+459,532
Overseas Contingency Operations Transfer Account.....	---	5,000	---	---	---	---
United States Court of Appeals for the Armed Forces.....	11,721	11,971	11,971	11,971	11,971	+250
Environmental Restoration, Army.....	403,786	434,879	434,879	444,879	439,879	+36,093
Environmental Restoration, Navy.....	302,222	300,591	300,591	300,591	300,591	-1,631
Environmental Restoration, Air Force.....	402,396	458,428	458,428	458,428	458,428	+56,032
Environmental Restoration, Defense-Wide.....	27,885	12,751	12,751	12,751	12,751	-15,134
Environmental Restoration, Formerly Used Defense Sites.....	254,352	250,249	268,249	295,249	280,249	+25,897
Overseas Humanitarian, Disaster, and Civic Aid.....	63,204	103,300	103,300	63,300	103,300	+40,096
Former Soviet Union Threat Reduction Account.....	372,128	348,048	398,048	448,048	428,048	+55,920
Total, title II, Operation and maintenance.....	127,288,807	142,854,017	137,135,127	142,679,275	140,062,158	+12,773,351
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army.....	3,502,483	4,179,848	3,891,539	4,273,998	4,185,778	+683,295
Missile Procurement, Army.....	1,278,967	1,645,485	2,103,102	1,756,979	1,911,979	+633,012
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,906,368	3,089,998	4,077,189	3,122,889	3,021,889	+1,115,521
Procurement of Ammunition, Army.....	1,719,879	2,190,576	2,215,976	2,208,976	2,223,176	+503,297
Other Procurement, Army.....	7,004,914	12,647,099	11,217,945	11,697,265	11,428,027	+4,423,113
Aircraft Procurement, Navy.....	10,393,316	12,747,767	12,470,280	12,599,744	12,464,284	+2,070,968
Weapons Procurement, Navy.....	2,573,820	3,084,387	2,928,126	3,094,687	3,113,987	+540,167
Procurement of Ammunition, Navy and Marine Corps.....	767,314	760,484	1,067,484	1,058,832	1,064,432	+297,118
Shipbuilding and Conversion, Navy.....	10,579,125	13,656,120	15,303,820	13,205,438	13,597,960	+3,018,835
Other Procurement, Navy.....	4,927,676	5,470,412	5,298,238	5,376,530	5,317,570	+389,894
Procurement, Marine Corps.....	894,571	2,999,057	2,500,882	2,091,897	2,326,619	+1,432,048
Aircraft Procurement, Air Force.....	11,643,356	12,393,270	11,690,220	12,133,900	12,021,900	+378,544
Missile Procurement, Air Force.....	3,914,703	5,131,002	4,920,959	4,920,219	4,985,459	+1,070,756
Procurement of Ammunition, Air Force.....	1,054,302	868,917	342,494	854,167	754,117	-300,185
Other Procurement, Air Force.....	15,493,486	15,421,162	15,255,186	15,517,127	15,440,594	-52,892
Procurement, Defense-Wide.....	2,903,292	3,318,834	3,335,637	3,246,843	3,269,035	+365,743
National Guard and Reserve Equipment.....	290,000	---	925,000	1,000,000	980,000	+690,000
Defense Production Act Purchases.....	63,184	18,592	64,092	65,092	94,792	+31,608
Total, title III, Procurement.....	80,910,756	99,623,010	99,608,169	98,224,583	98,201,598	+17,290,842
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army.....	11,054,958	10,589,604	11,509,540	11,355,005	12,126,591	+1,071,633
Research, Development, Test and Evaluation, Navy.....	18,673,894	17,075,536	17,718,624	17,472,210	17,918,522	-755,372
Research, Development, Test and Evaluation, Air Force.....	24,516,276	26,711,940	26,163,917	26,070,841	26,255,471	+1,739,195
Research, Development, Test and Evaluation, Defense-Wide.....	21,291,056	20,559,850	20,659,095	20,303,726	20,790,634	-500,422
Operational Test and Evaluation, Defense.....	185,420	180,264	180,264	180,264	180,264	-5,156
Total, title IV, Research, Development, Test and Evaluation.....	75,721,604	75,117,194	76,231,440	75,382,046	77,271,482	+1,549,878



(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
<b>TITLE V</b>						
<b>REVOLVING AND MANAGEMENT FUNDS</b>						
Defense Working Capital Funds.....	1,345,998	1,352,746	1,352,746	1,352,746	1,352,746	+6,748
National Defense Sealift Fund: Ready Reserve Force	1,071,932	1,079,094	2,489,094	1,044,194	1,349,094	+277,162
Pentagon Reservation Maintenance Revolving Fund.....	18,500	---	---	---	---	-18,500
Defense Coalition Support Fund.....	---	22,000	---	---	---	---
<b>Total, title V, Revolving and Management Funds..</b>	<b>2,436,430</b>	<b>2,453,840</b>	<b>3,841,840</b>	<b>2,396,940</b>	<b>2,701,840</b>	<b>+265,410</b>
<b>TITLE VI</b>						
<b>OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>						
Defense Health Program 1/:						
Operation and maintenance.....	20,494,000	22,044,381	22,140,381	22,650,758	22,559,501	+2,065,501
Procurement.....	375,000	362,261	363,011	362,261	362,861	-12,139
Research and development.....	348,000	134,482	453,792	477,032	536,330	+188,330
<b>Total, Defense Health Program.....</b>	<b>21,217,000</b>	<b>22,541,124</b>	<b>22,957,184</b>	<b>23,490,051</b>	<b>23,458,692</b>	<b>+2,241,692</b>
Chemical Agents & Munitions Destruction, Defense:						
Operation and maintenance.....	1,046,290	1,198,086	1,198,086	1,186,500	1,181,500	+135,210
Procurement.....	---	36,426	36,426	18,424	18,424	+18,424
Research, development, test and evaluation.....	231,014	221,212	221,212	312,800	312,800	+81,786
<b>Total, Chemical Agents 2/ .....</b>	<b>1,277,304</b>	<b>1,455,724</b>	<b>1,455,724</b>	<b>1,517,724</b>	<b>1,512,724</b>	<b>+235,420</b>
Drug Interdiction and Counter-Drug Activities, Defense	977,632	936,822	945,772	962,603	984,779	+7,147
Joint Improvised Explosive Device Defeat Fund 2/.....	---	500,000	500,000	120,000	120,000	+120,000
Rapid Acquisition Fund 2/.....	---	100,000	---	---	---	---
Office of the Inspector General 2/.....	216,297	215,995	239,995	225,995	239,995	+23,698
<b>Total, title VI, Other Department of Defense Programs.....</b>	<b>23,688,233</b>	<b>25,749,665</b>	<b>26,098,675</b>	<b>26,316,373</b>	<b>26,316,190</b>	<b>+2,627,957</b>
<b>TITLE VII</b>						
<b>RELATED AGENCIES</b>						
Central Intelligence Agency Retirement and Disability System Fund.....	256,400	262,500	262,500	262,500	262,500	+6,100
Intelligence Community Management Account.....	621,611	705,376	683,276	709,376	725,526	+103,915
Transfer to Department of Justice.....	(39,000)	(16,000)	(39,000)	(16,000)	(39,000)	---
<b>Total, title VII, Related agencies.....</b>	<b>878,011</b>	<b>967,876</b>	<b>945,776</b>	<b>971,876</b>	<b>988,026</b>	<b>+110,015</b>
<b>TITLE VIII</b>						
<b>GENERAL PROVISIONS</b>						
Additional transfer authority (Sec. 8005).....	(4,500,000)	(5,000,000)	(3,200,000)	(3,700,000)	(3,700,000)	(-800,000)
Indian Financing Act incentives (Sec. 8020).....	8,000	---	8,000	15,000	15,000	+7,000
FFRDCs (Sec. 8025).....	-53,200	---	-57,725	-53,428	-57,725	-4,525
Overseas Military Facility Invest Recovery (Sec. 8031)	1,000	1,000	1,000	1,000	1,000	---
Rescissions (Sec. 8043).....	-870,143	---	-367,786	-653,313	-539,599	+330,544
Travel Cards (Sec. 8067).....	51,000	52,000	52,000	52,000	52,000	+1,000
Special needs students (Sec. 8087).....	5,500	---	---	5,500	5,500	---
Fisher House (Sec. 8077).....	2,500	---	15,000	---	10,000	+7,500
Other Contract Growth .....	-158,100	---	---	---	---	+158,100
Contracted Advisory and Assistance Services.....	-71,000	---	---	---	---	+71,000
Military Recruitment Assessment & Vet Empl (Sec. 8086)	5,400	---	990	---	990	-4,410
Various grants (Sec. 8089).....	11,100	---	70,000	---	62,700	+51,600
Ship transfer authority (outlays).....	---	---	---	---	---	---
Travel costs/Contractor efficiencies (Sec. 8097).....	-85,000	---	---	-39,693	-506,900	-421,900
Revised Economic Assumptions (Sec.8104).....	-1,034,425	---	-126,787	-1,353,000	-1,353,000	-318,575
Tanker replacement transfer fund (Sec. 8112).....	---	---	200,000	---	150,000	+150,000
Border security (emergency).....	---	---	---	3,000,000	---	---
Army and Air Guard pilot programs.....	---	---	---	---	---	---
Mine Resistant Ambush Protected Vehicle (emergency) ..	---	---	---	---	11,630,000	+11,630,000
<b>Total, Title VIII, General Provisions.....</b>	<b>-2,187,368</b>	<b>53,000</b>	<b>-205,308</b>	<b>974,066</b>	<b>9,469,966</b>	<b>+11,657,334</b>
<b>TITLE IX - ADDITIONAL APPROPRIATIONS (emergency) 3/...</b>	<b>70,000,000</b>	<b>186,878,633</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>-7</b>

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2008 (H.R. 3222)  
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	House	Senate	Conference	Conference vs. Enacted
OTHER APPROPRIATIONS						
U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007						
Public Law 110-28:						
Title I, Chapter 3 (emergency).....	87,019,295	---	---	---	---	-87,019,295
New transfer authority (emergency).....	(3,500,000)	---	---	---	---	(-3,500,000)
Title III, Chapter 3 (emergency).....	7,674,375	---	---	---	---	-7,674,375
Total, Public Law 110-28 (emergency).....	94,693,670	---	---	---	---	-94,693,670
Total, Other Appropriations.....	94,693,670	---	---	---	---	-94,693,670
Net grand total (including other appropriations)	573,493,020	639,100,933	448,673,495	452,467,500	460,303,497	-113,189,523
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Lease of defense real property (permanent).....	12,000	12,000	12,000	12,000	12,000	---
Disposal of defense real property (permanent).....	15,000	18,000	18,000	18,000	18,000	+3,000
Army Venture Capital Fund (reappropriation).....	15,000	15,000	15,000	15,000	15,000	---
O&M, Army transfer to National Park Service:						
Defense function.....	-2,000	---	---	---	---	+2,000
Non-defense function.....	2,000	---	---	---	---	-2,000
O&M, Army transfer to Army Corps of Engineers:						
Defense function.....	-2,499	---	-12,500	---	-12,500	-10,001
Non-defense function.....	2,499	---	12,500	---	12,500	+10,001
Navy transfer to Department of the Interior:						
Defense function.....	---	---	---	-20,000	-20,000	-20,000
Non-defense function.....	---	---	---	20,000	20,000	+20,000
Title IX O&M, Navy transfer to Coast Guard, Op.Exp (By transfer) (emergency).....	(90,000)	(225,400)	---	---	---	(-90,000)
Title IX O&M, Defense-wide transfer to Department of State (By transfer) (emergency).....	(20,000)	---	---	---	---	(-20,000)
Personnel security investigations (outlays).....	---	---	---	---	---	---
Tricare accrual (permanent, indefinite auth.) 4/..	11,230,629	10,876,000	10,876,000	10,876,000	10,876,000	-354,629
Less Title X FY 2006 emergency appropriations 5/..	-200,000	---	---	---	---	+200,000
Less emergency appropriations 3/ ..	-164,693,670	-186,878,633	---	-3,000,000	-11,630,000	+153,063,670
Total, scorekeeping adjustments.....	-153,621,041	-175,957,633	10,921,000	7,921,000	-709,000	+152,912,041
Adjusted total (includ. scorekeeping adjustments)	419,871,979	463,143,300	459,594,495	460,388,500	459,594,497	+39,722,518
Appropriations.....	(420,742,122)	(463,143,300)	(459,962,281)	(461,041,813)	(460,134,096)	(+39,391,974)
Rescissions.....	(-870,143)	---	(-367,786)	(-653,313)	(-539,599)	(+330,544)
Total (including scorekeeping adjustments).....	419,871,979	463,143,300	459,594,495	460,388,500	459,594,497	+39,722,518
Amount in this bill.....	(573,493,020)	(639,100,933)	(448,673,495)	(452,467,500)	(460,303,497)	(-113,189,523)
Scorekeeping adjustments.....	(-153,621,041)	(-175,957,633)	(10,921,000)	(7,921,000)	(-709,000)	(+152,912,041)
Prior year outlays.....	---	---	---	---	---	---
Total mandatory and discretionary.....	419,871,979	463,143,300	459,594,495	460,388,500	459,594,497	+39,722,518
Mandatory.....	256,400	262,500	262,500	262,500	262,500	+6,100
Discretionary.....	419,615,579	462,880,800	459,331,995	460,126,000	459,331,997	+39,716,418
RECAPITULATION						
Title I - Military Personnel.....	99,862,877	105,403,696	105,017,776	105,522,341	105,292,237	+5,429,360
Title II - Operation and Maintenance.....	127,288,807	142,854,017	137,135,127	142,679,275	140,062,158	+12,773,351
Title III - Procurement.....	80,910,756	99,623,010	99,608,169	98,224,583	98,201,598	+17,290,842
Title IV - Research, Development, Test and Evaluation.....	75,721,604	75,117,194	76,231,440	75,382,046	77,271,482	+1,549,878
Title V - Revolving and Management Funds.....	2,436,430	2,453,840	3,841,840	2,396,940	2,701,840	+265,410
Title VI - Other Department of Defense Programs.....	23,688,233	25,749,665	26,098,675	26,316,373	26,316,190	+2,627,957
Title VII - Related Agencies.....	878,011	967,876	945,776	971,876	988,026	+110,015
Title VIII - General Provisions (net).....	-2,187,368	53,000	-205,308	974,066	9,469,966	+11,657,334
Title IX - Additional Appropriations (net).....	70,000,000	186,878,633	---	---	---	-70,000,000
Title X - Wildland Fire Management (net).....	200,000	---	---	---	---	-200,000
Total, Department of Defense.....	478,799,350	639,100,933	448,673,495	452,467,500	460,303,497	-18,495,853
Other defense appropriations.....	94,693,670	---	---	---	---	-94,693,670
Total funding available (net).....	573,493,020	639,100,933	448,673,495	452,467,500	460,303,497	-113,189,523
Scorekeeping adjustments.....	-153,621,041	-175,957,633	10,921,000	7,921,000	-709,000	+152,912,041
Total mandatory and discretionary.....	419,871,979	463,143,300	459,594,495	460,388,500	459,594,497	+39,722,518

1/ For FY 2007, includes H.J.Res.20 appropriations.

2/ Included in Budget under Procurement title.

3/ Title IX budget request will be considered in a separate bill. Appropriations also include Title IX contingency operations funds.

4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).

5/ Pursuant to Sec. 501 of H.Con.Res.376 (H.Res.818) and Sec. 402 of S.Con.Res.83 (Sec. 7035/P.L.109-234).

With that, Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I think this is a very good bill.

As has been mentioned during the debate on the rule, maybe someone else might have written it a little bit differently. I don't think any legislation is ever totally perfect, but this is a good package. It's a good bipartisan package. The subcommittee worked hard; had many, many hearings; required the military to justify the requests; and we have come up with a pretty good bill.

Chairman MURTHA has chaired this subcommittee before we became the majority, then I chaired the subcommittee for 6 years, now he is chairman again. We have always worked this bill together in the best interests of the United States of America and the troops who provide our defense and that support us.

Mr. MURTHA mentioned the pay raise. Yes, we did give a pay raise. We wish we could have given more. But the 3.5 percent was more than was requested in the budget request.

We are also providing funding for increasing the size of our military. And I don't think anyone would deny the fact that our military is tired. They are being used and deployed a lot. And so I think it is appropriate that we increase the size of military, especially the Army and the Marine Corps.

Some other things were mentioned by the Members speaking on the rule, so I'm not going to repeat them, but I will submit for the RECORD a written statement.

But there are two points that I want to make: one is, as Mr. MURTHA suggested briefly, the growth in shipbuilding. Do you remember President Ronald Reagan thought that the United States should have a 600-ship Navy to guarantee that we had free access to the international waters of this planet of ours? If we don't take the direction that this subcommittee recommends, we would be below 300 ships in our Navy, and that is not big enough.

And so we provide the LPD-17 that was requested by the administration. We provide advance funding, which is in addition to the request, advance funding for a second LPD-17, which the Navy strongly supports. But one of the Navy's premier programs is the Littoral Combat Ship, the LCS. We provided for four ships; the other body did not have the same number. We prevailed, and the funding for up to four ships that the Navy really feels they need for naval superiority are in this bill.

Now the last point that I want to make, Mr. Speaker. So many times in our hearings soldiers who would fight on the ground, marines who would invade on the beaches have told us over and over again that they will go any-

where that their country sends them, they will fight any fight that their country asks them to fight, but when they do, if there is an aircraft overhead, they want that aircraft to be an American airplane manned by an American crew.

Our air superiority weapon today is the F-15, a very, very good aircraft, but very old. The F-15 is older than some of the Members in this Chamber. The F-15 is now suffering some metal fatigue. And as you know, the F-15 fleet has been grounded because one of our planes basically came apart in midair in Missouri. And so we provide funding for the F-22, which is the follow-on to the F-15, an aircraft that will guarantee America's air superiority. So it's important that we fund this package of fighter aircraft. It is important that if we send a soldier or marine or any member of our military services to war, that the air over head will be controlled by the United States of America and not by an enemy. And so this bill goes a long way towards accomplishing air superiority.

Mr. Speaker, I rise in support of the conference report on Defense appropriations for fiscal year 2008.

This agreement totals over \$459 billion, and is \$3.5 billion below the President's request. However, it is almost \$40 billion above the fiscal year 2007 level. It contains \$11.6 billion in emergency funding for additional MRAP vehicles for use by the Army and Marines in Iraq and Afghanistan.

This conference report provides for a number of Presidential and Congressional priorities, including: \$6 billion in equipment to increase the size of the Army and Marine Corps; restoration of the \$1.9 billion cut in the Defense Health program associated with proposed increases in insurance co-payments that have not been authorized by Congress; an additional \$980 million in equipment for the National Guard and Reserve, which is important for disaster response throughout the country, including the Gulf Coast; full funding for the Congressionally proposed 3.5 percent pay increase for the military; \$4.1 billion for continued development of the Joint Strike Fighter and \$3.1 billion to procure twenty F-22 aircraft; the F-22 program becomes even more important with the revelation that some F-15s are experiencing metal fatigue; procurement and advance procurement for 10 ships for the Navy, including initial funding for the next-generation aircraft carrier.

There is one item not in this conference agreement that I wish we were addressing today. For the past 3 years we have provided a Bridge Fund to allow the Defense Department to finance war on terror operations until enactment of a supplemental appropriations bill in the spring. Last year's bridge totaled \$70 billion for 6 months of war operations and was broadly supported by both sides of the aisle. This conference report contains no such funding.

When this Defense conference report is enacted into law, Defense spending will drop out of the continuing resolution. So will funding under the fiscal year 2007 Bridge Fund. Without this authority, the Department of Defense will be forced to use base funds to support the operations of the global war on terror. By mid-

to late January, the Army will run out of money.

We need to move quickly in the next few weeks to address this shortfall. Our troops in the field need our support, no matter what position we take on the war.

I know there are many on the other side of the aisle that do not want to support war on terror funding. Ironically, by voting for this conference report without a Bridge Fund, everyone voting for this bill will be effectively voting to support war operations. The question is whether we do so by forcing the Department to use base funds in this bill, or by enacting a Bridge Fund, or by allowing current rates to continue until enactment of a supplemental appropriations bill.

Aside from that, however, I want to reiterate my support for this conference report. I appreciate the cooperation and courtesy shown by my Chairman, Mr. MURTHA, throughout this process.

I also want to thank the members of the Defense subcommittee for their contributions to this conference report, especially those on the Republican side of the aisle. Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, and the ranking member of the full committee, Mr. LEWIS, all made important contributions to this legislation.

Mr. Speaker, again I want to say that I strongly support this legislation, and urge its adoption by the House.

Mr. BLUMENAUER. Mr. Speaker, while I support the efforts of Democratic leadership to fund vital programs like the Veterans Administration and health care for our serving military, I cannot support the FY08 Defense Appropriations bill. This final draft provides too much money for the wrong priorities and enables the administration to continue its tragically misguided Iraq policy.

I made a pledge to vote against any further funding for the Iraq war unless it is used for immediate troop redeployment. I will honor this pledge, and I will continue to fight against funding for major weapons systems that have little to do with current security threats.

Programs like the Future Combat System's fighting vehicles and the National Missile Defense system would be justifiable if the major threat to our security was a modern version of the Soviet Union. It is not. I applaud the Democratic cuts to the funding levels requested by the President, though we must do better.

Continuing to pour billions of dollars into these programs is a waste of money and a threat to our readiness. We must invest in personnel and systems that confront the real and looming threats of terrorists and rogue states.

This bill contains glimmers of hope that we are moving in the right direction on defense spending. But I will not vote for a bill that funds a Cold War-era military and approves any additional funding for the war in Iraq.

Mr. ORTIZ. Mr. Speaker, given the many challenges faced by our Nation—and our military—I'm pleased that the House moved the Defense Appropriations Conference Report so quickly.

Chairman MURTHA is doing some very heavy lifting for the Nation, and I thank him for his work as well.

This bill contains a significant investment for south Texas, which contributes notably to the Nation's military readiness.

As the House point man on readiness matters in our military, I have been deeply concerned that the Iraq conflict has eroded the

readiness of the U.S. Armed Forces, perhaps for a generation.

At a time when we need to be more ready than before, this is a tremendous cause for alarm, as we are prosecuting two separate wars.

Today's bill addresses many of our current needs associated with:

A pay raise for the men and women who wear the uniform of the United States,

Beefing up today's ground forces—our boots on the ground overseas,

Addressing the many failings of this administration and the last Congress in ensuring our military is ready for any challenge we need to meet, such as finally providing oversight of contractors in Iraq and Afghanistan,

Equipping our National Guard to help offset some of the equipment lost to active duty needs in Iraq, and

Providing assistance for the men and women who are hospitalized at Walter Reed Army Medical Center, which was the center of tremendous shortcomings earlier this year.

I thank the gentleman from Pennsylvania for his hard work on the bill—as well as the rest of the leadership in the House—for their deep and abiding respect of the U.S. Armed Forces and the unique challenges they face at this moment in time.

I urge my colleagues to support the bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 15, not voting 17, as follows:

[Roll No. 1064]

YEAS—400

Abercrombie	Boustany	Conaway
Ackerman	Boyd (FL)	Conyers
Aderholt	Boyda (KS)	Cooper
Akin	Brady (PA)	Costa
Alexander	Brady (TX)	Costello
Allen	Broun (GA)	Courtney
Altmire	Brown (SC)	Cramer
Andrews	Brown, Corrine	Crenshaw
Arcuri	Brown-Waite,	Crowley
Baca	Ginny	Cuellar
Bachmann	Buchanan	Culberson
Bachus	Burgess	Cummings
Baird	Burton (IN)	Davis (AL)
Baker	Butterfield	Davis (CA)
Barrett (SC)	Calvert	Davis (IL)
Barrow	Camp (MI)	Davis (KY)
Bartlett (MD)	Campbell (CA)	Davis, David
Barton (TX)	Cannon	Davis, Lincoln
Bean	Cantor	Davis, Tom
Becerra	Capito	Deal (GA)
Berkley	Capps	DeFazio
Berman	Capuano	DeGette
Berry	Cardoza	Delahunt
Biggert	Carnahan	DeLauro
Bilbray	Carney	Dent
Bilirakis	Carter	Diaz-Balart, L.
Bishop (GA)	Castle	Diaz-Balart, M.
Bishop (NY)	Castor	Dicks
Bishop (UT)	Chabot	Dingell
Blackburn	Chandler	Doggett
Blunt	Clarke	Donnelly
Boehner	Clay	Doolittle
Bonner	Cleaver	Doyle
Bono	Clyburn	Drake
Boozman	Coble	Dreier
Boswell	Cohen	Duncan
Boucher	Cole (OK)	Edwards

Ellsworth	LaTourette	Rohrabacher
Emanuel	Lewis (CA)	Ros-Lehtinen
Emerson	Lewis (KY)	Roskam
Engel	Linder	Ross
English (PA)	Lipinski	Roybal-Allard
Eshoo	LoBiondo	Royce
Etheridge	Loeb sack	Ruppersberger
Everett	Lofgren, Zoe	Rush
Fallin	Lowey	Ryan (OH)
Farr	Lucas	Ryan (WI)
Fattah	Lynch	Salazar
Ferguson	Mack	Sali
Flake	Mahoney (FL)	Sanchez, Linda
Forbes	Maloney (NY)	T.
Fortenberry	Manzullo	Sanchez, Loretta
Fossella	Marchant	Sarbanes
Fox	Markey	Saxton
Franks (AZ)	Marshall	Schakowsky
Frelinghuysen	Matheson	Schiff
Galleghy	Matsui	Schmidt
Garrett (NJ)	McCarthy (CA)	Schwartz
Gerlach	McCarthy (NY)	Scott (GA)
Gilchrist	McCauley (TX)	Scott (VA)
Gillibrand	McCollum (MN)	Sensenbrenner
Gingrey	McCotter	Serrano
Gohmert	McCrery	Sessions
Gonzalez	McGovern	Sestak
Goodlatte	McHenry	Shadegg
Gordon	McHugh	Shays
Granger	McIntyre	Shea-Porter
Graves	McKeon	Sherman
Green, Al	McMorris	Shimkus
Green, Gene	Rodgers	Shuler
Grijalva	McNerney	Shuster
Gutierrez	McNulty	Simpson
Hall (NY)	Meek (FL)	Sires
Hall (TX)	Meeks (NY)	Skelton
Hare	Melancon	Slaughter
Harman	Mica	Smith (NE)
Hastert	Michaud	Smith (NJ)
Hastings (FL)	Miller (MI)	Smith (TX)
Hastings (WA)	Miller (NC)	Smith (WA)
Hayes	Miller, Gary	Snyder
Heller	Miller, George	Solis
Hensarling	Mitchell	Souder
Herger	Mollohan	Space
Herseth Sandlin	Moore (KS)	Spratt
Higgins	Moore (WI)	Stearns
Hill	Moran (KS)	Stupak
Hinchey	Moran (VA)	Sullivan
Hinojosa	Murphy (CT)	Sutton
Hirono	Murphy, Patrick	Tancred
Hobson	Murphy, Tim	Tanner
Hodes	Murtha	Tauscher
Hoekstra	Musgrave	Taylor
Holden	Myrick	Terry
Holt	Nadler	Thompson (CA)
Honda	Napolitano	Thompson (MS)
Hooley	Neal (MA)	Thornberry
Hoyer	Neugebauer	Tiahrt
Hulshof	Nunes	Tiberi
Inglis (SC)	Obey	Tierney
Inslee	Oliver	Towns
Israel	Ortiz	Tsongas
Issa	Pallone	Turner
Jackson (IL)	Pascarell	Udall (CO)
Jackson-Lee	Pastor	Udall (NM)
(TX)	Pearce	Upton
Jefferson	Pence	Van Hollen
Jindal	Perlmutter	Velázquez
Johnson (GA)	Peterson (MN)	Visclosky
Johnson (IL)	Peterson (PA)	Walberg
Johnson, E. B.	Petri	Walden (OR)
Johnson, Sam	Pickering	Walsh (NY)
Jones (NC)	Pitts	Walz (MN)
Jones (OH)	Platts	Wamp
Jordan	Poe	Wasserman
Kagen	Pomeroy	Schultz
Kanjorski	Porter	Waters
Kaptur	Price (GA)	Watson
Keller	Price (NC)	Watt
Kennedy	Pryce (OH)	Waxman
Kildee	Putnam	Weiner
Kilpatrick	Radanovich	Weldon (FL)
Kind	Rahall	Weller
King (IA)	Ramstad	Westmoreland
King (NY)	Rangel	Wexler
Kingston	Regula	Whitfield
Kirk	Rehberg	Wicker
Klein (FL)	Reichert	Wilson (NM)
Kline (MN)	Renzi	Wilson (OH)
Knollenberg	Reyes	Wilson (SC)
Lamborn	Reynolds	Wolf
Lampson	Richardson	Wu
Langevin	Rodriguez	Wynn
Larson (WA)	Rogers (AL)	Yarmuth
Larson (CT)	Rogers (KY)	Young (AK)
Latham	Rogers (MI)	Young (FL)

NAYS—15

Baldwin	Frank (MA)	Paul
Blumenauer	Kucinich	Payne
Ehlers	Lee	Stark
Ellison	Lewis (GA)	Welch (VT)
Filner	McDermott	Woolsey

NOT VOTING—17

Boren	Giffords	Levin
Braley (IA)	Goode	Lungren, Daniel
Buyer	Hunter	E.
Carson	Kuhl (NY)	Miller (FL)
Cubin	LaHood	Oberstar
Feeney	Lantos	Rothman

□ 1350

Ms. VELÁZQUEZ changed her vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FEENEY. Mr. Speaker, on rollcall No. 1064, had I been present, I would have voted “yea.”

Mr. KUHL of New York. Mr. Speaker, on rollcall No. 1064, adoption of the conference report to accompany H.R. 3222, Defense Appropriations, I was unavoidably detained and missed the vote. Had I been present, I would have voted “yea.”

#### A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 1495) “An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes”, returned by the President of the United States with his objections, to the House in which it originated, and passed by the House on reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

#### APPOINTMENT OF CONFEREES ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OLIVER. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion.

The motion was agreed to.